

# COLUMBIA JOURNALISM REVIEW

Strong Press, Strong Democracy

## *Shadow & Light*

The struggle to open up our government

**CLINT HENDLER:** Bush's dark legacy

**LAURA ROZEN:** draining the national-security swamp

**MARTHA M. HAMILTON:** our invisible federal culture

**RALPH FRAMMOLINO:** sunlight in India

**MICAH L. SIFRY:** toward a see-through society

### THE UN-AMERICAN MEDIA

MICHAEL MASSING

### THE TOOTHLESS WOLFF AT MURDOCH'S DOOR

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### WHY YOU NEED MORE NEWS ABOUT FOOD

GEORGINA GUSTIN

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# Reporting Iraq

AN ORAL HISTORY OF THE WAR BY THE JOURNALISTS WHO COVERED IT

EDITED BY MIKE HOYT, JOHN PALATTELLA, AND THE STAFF OF THE  
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## Reporting Iraq

AN ORAL HISTORY OF THE WAR BY THE JOURNALISTS WHO COVERED IT

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# COLUMBIA JOURNALISM REVIEW

January/February 2009

"To assess the performance of journalism... to help stimulate continuing improvement in the profession, and to speak out for what is right, fair, and decent."

—from the founding editorial, 1961



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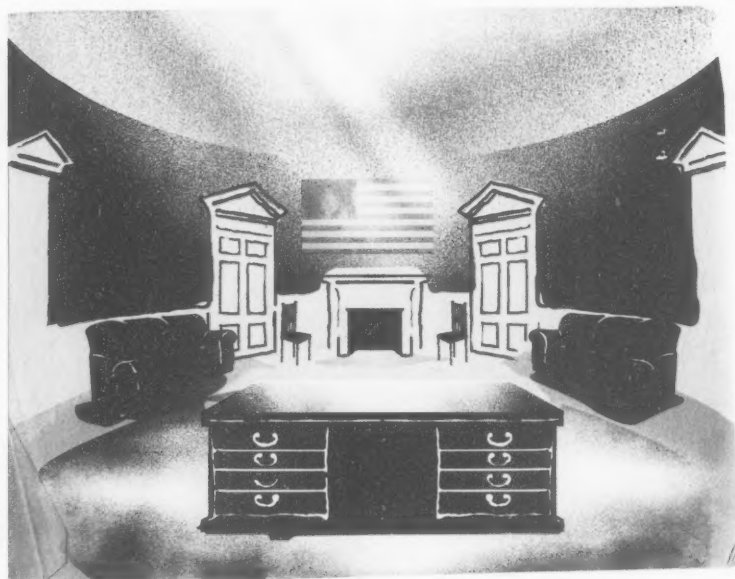


# Opening Shot



**T**he New Deal marked a dramatic expansion in the scope and complexity of the federal government. This increased complexity heightened the need for a more transparent bureaucracy, as evidenced by the creation of the Federal Register in 1935, the first attempt to collect and publish a comprehensive list of executive-branch regulations. Since then, the U.S. has moved steadily, if unevenly, toward an ever-more open system of government. The Bush administration aggressively bucked that trend, rolling back measures designed to allow public and journalistic scrutiny of government operations and using the terror attacks of 9/11 as a rationale to maneuver in secret. Today, at the end of those eight dark years, facing the most significant economic crisis since the Great Depression, with our new president promising a public-works program that echoes The New Deal, the need to restore and broaden government transparency is again on the agenda in Washington. Our cover package, which starts on page 26, surveys the damage done to transparency by the Bush White House with an eye toward what needs to be fixed and how; examines whether the financial press could have been out in front of the economic implosion and how a lack of transparency complicated the task; detours to India for the compelling story of that country's young Right to Information Act; and explains how technology is making it far easier to make government more open. We hope you enjoy it. **CJR**

**A new New Deal?** Recruits in the Works Progress Administration lay a sidewalk in Perth Amboy, New Jersey, in 1938, as part of a nationwide effort to put relief recipients to work on public projects.



## Let There Be Light

*How President Obama should reopen our government*

Over many years, Americans have come to embrace the idea that democracy suffers when the work of government is excessively secret—the people are shut out, corruption and cynicism thrive, and accountability wanes. Yet President Bush and Vice President Cheney have run an administration in which the executive's lust for power outstripped the public's right to know. One of the most troubling aspects of Bush's campaign

against government transparency was the ease of its advance. Battles were won with brief memos, unilateral executive orders, and signal flags from on high.

Here is an arena in which President Obama can forcefully demonstrate, as he indicated on the campaign trail, that he will turn the lights back on in the White House. Some steps would be relatively easy. The president should:

- Instruct the attorney general to restore the presumption that exemptions to the Freedom of Information Act are designed to prevent "foreseeable harm," rather than to be used as expandable excuses to deny requests.
- Issue an executive order restoring the intent of the Presidential Records Act, making the government the owner and executor of past presidents' papers, rather than a mere custodian for as long as an ex-executive or his heirs want certain documents under wraps.
- In his first budget, restore, as Congress intended, the Office

of Government Information Services to the National Archives and Records Administration, and remove it from the Justice Department, where conflicts of interest on transparency abound.

Other steps will be more challenging. Modernizing the government's information procedures will require effort beyond undoing the excesses; it will require making the government's information policy anew. To that end, Obama should:

- Get a handle on "pseudo-secrecy"—the wholesale marking of documents with secret-ish labels outside of the official classification system—by reducing its use, establishing a system for appeals of such labels, and forbidding their use in FOIA decisions.
- Revise outsourcing contracts to ensure that records generated by private companies doing government business will be treated like any agency-generated document.
- Make it clear that government scientists, experts, and researchers have a right to express their knowledge and opinions to the press, the scientific community, and policymakers.
- Encourage the development of systems that proactively release government information, and build databases so they can be accessed and adapted by innovators outside government.

Finally, we come to the vast opaque effort to revive the economy. With so much taxpayer money at stake, Obama should:

- Require full disclosure of all bailout funds, including collateral posted in exchange for access to the expanded lending programs.
- Ensure that federal regulators ban all off-balance sheet activity—completely. All financial transactions should be included in publicly filed financial statements. Until this happens, investors, the public, and the press will not have the information they need even to ask questions about the activities of financial institutions and other corporate actors.

The National Security Archive, the Sunshine in Government Initiative, and the 21st Century Right to Know Project have produced thoughtful recommendations for the next president and Congress, which we've drawn on in compiling this list. The rest of their proposals are online and deserve a good look.

Meanwhile, we are posting this editorial on [CJR.org](http://CJR.org), and inviting readers to add their own thoughts to it. We will then send the document on to the Obama administration. **CJR**



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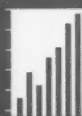
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**Going Deep**

Bree Nordenson has done a great job synthesizing a great deal of information into a first-rate piece of explanatory journalism ("Overload," *CJR*, November/December). She has done her homework and is showing us what she learned by not attempting to cut up our food for us Internet-addled news junkies. For more evidence that she's right about audiences needing and wanting "context and coherence," consider *The Economist*, whose circulation has been rising substantially. In many ways, it seems an unlikely magazine to thrive when the trend is to chop up news stories into bits, tweets, and blog posts. But thrive it does, largely because it doesn't pander to its audience and seeks to deliver context and in-depth explanations of why the world is as it is. Meanwhile, *Newsweek* and *Time* are cutting staff—possibly because, unlike *The Economist*, their work has been commoditized. They, and the rest of us who love journalism and believe in its power, need to figure out how to make our journalism an indispensable utility.

Andrew

Comment posted on *CJR.org*

Ironically, this article has seven pages to read. Can't I just get an abstract?

Micah Sittig

Comment posted on *CJR.org*

The length of this article—much of which states the obvious about the information age—is a bit paradoxical. You write about information overload, but fall into the same trap of assuming more information (and words) is a good thing and somehow aids in effective communication. Seven pages? Really?

Brendan

Comment posted on *CJR.org*

What's paradoxical is that an article discussing our shorter attention spans and, generally, the dumbing-down of culture in the age of too much digital informa-



**If *CJR* is going to venture into the world of sartorial correctness, it should be sure to get its facts right!**

tion, frustrates readers because it is, er, "too long."

Ernesto Priego

Comment posted on *CJR.org*

The idea of overload is misleading when most news outlets are part of large conglomerations or blogs that basically rehash news gleaned from other news sites. Abstracts of the major network newscasts confirm there is very little original reporting. The article may have also considered the trend of people gravitating to news sources that reinforce their own political and personal perceptions of the world while rejecting those that challenge those perceptions.

Ed Ruff Jr.

Comment posted on *CJR.org*

**Keeping House**

Your excellent and most welcome editorial ("Drawing Lines: Why do we let

political operatives act like journalists?" *CJR*, November/December) suggests questions that are truly fundamental but long and widely ignored. For example: If a news staff is held to ethical guidelines, why shouldn't editorial writers and pundits be held to those same guidelines? Should a responsible news organization tell its readers/viewers/listeners whether it has ethical guidelines for both its news departments and commentators, whether they are in writing, whether they are available on request to the public, and, if the guidelines differ, how and why? Should a responsible news organization tell its readers/viewers/listeners whether it would discipline a pundit just as it would a news staffer for unethical acts?

Such questions have multitudinous roots. Some are at *The Washington Post*, where I was a reporter for nearly thirty years, until 1988, and where the ethical double standard was obvious in the extreme in the persons of Leonard Downie and George F. Will.

Downie, as executive editor, led the news department until recently. He famously displayed his impartiality by repeatedly proclaiming his refusal to vote. He made clear to his staff that any violation of high ethical standards could have severe consequences.

Will is the longtime syndicated and often brilliant columnist whose books include *The Pursuit of Virtue and Other Tory Notions*, and who covertly coached Ronald Reagan for a 1980 presidential debate with Jimmy Carter. The night after the debate, Will was a panelist on ABC's *Nightline*, on which he stated that Reagan's "game plan worked well," but did not disclose his role in devising that game plan. The following year, he was awarded the Pulitzer Prize for commentary.

During the 1990s, Will joined an informal advisory board for Hollinger International, the world's third-largest newspaper empire, that met once a



year, until 2001, to discuss world problems with a host of other prominent conservatives. For this, Conrad Black, Hollinger's chairman, paid him \$25,000 a meeting, payments Will failed to disclose when he touted Black's 2003 biography of Franklin D. Roosevelt as a "delight to read" in a back-jacket blurb; he also failed to disclose those payments when he wrote positively about Black in his columns.

When asked by Jacques Steinberg and Geraldine Fabrikant of *The New York Times* if he should have told his

readers of those payments, Will "said he saw no reason to do so. 'My business is my business. Got it?'"

Alan Shearer, editorial director and general manager of The Washington Post Writers Group, didn't get it. He told Steinberg and Fabrikant that he "would have liked to have known" that Will was affiliated with Hollinger and was receiving money from the corporation.

The need is not for more evidence of the ethical double standard for news and punditry, but for publishers, broadcast-

ers, and syndicators first to face up to it and then eliminate it—and be called to account if they do not.

Morton Mintz  
Washington, D.C.

Very important editorial that the MSM have failed to acknowledge, let alone address. But somehow you neglected to write about the heart of the problem: if media outlets exclusively employed legitimate journalists as commentators, the market for folks who "act like journalists" would shrink, and the press

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## FROM CJR.ORG NOTES FROM OUR ONLINE READERS

IN OUR NEW WEEKLY ONLINE FORUM, NEWS MEETING, we opened the floor in December to our readers to debate the journalistic virtues or shortcomings of Twitter, a short-message service, that played a significant role in breaking news during the terrorist attacks in Mumbai.

Beats parachute journalism.... What's not to like? There's no substitute for on-the-scene accounts, and professional reporters try to find eyewitnesses anyway. Mumbai is the latest in a long line of stories broken or at least enhanced by cell-phone-wielding amateurs. —Steven S. Ross

I kept up on the Mumbai story by searching #Mumbai on Twitter, and Googling "Mumbai"—and Twitter had the most immediate presentation of breaking info. —QuoterGal

Re: getting "scammed" by a source on Twitter versus by phone. I think both sources need to be vetted—neither can be taken at face value without more leg work, unless you have a legitimate relationship with that source. —Jen Reeves

So many of the Twitter feeds I read about the Mumbai attacks were extraordinarily frustrating, not just in their general lack of depth, but also in their impulse toward speculation. I also wonder about the sheer quantity of the tweets that a user must sort through to get anything resembling a true narrative. Sure, every once in a while, there are diamonds in the rough, hidden among all the lumps of Tweeted coal.... I just don't know whether the diamonds are plentiful (or, for that matter, brilliant) enough to warrant the time and effort it requires to gather them. —Megan Garber

Twitter, along with any number of other emerging and experimental technologies and techniques each add one more datum of support for the idea that news is a process, not a product. —Kevin M. Lerner

Journalists should use Twitter as an ear to the ground to find good sources that they can follow up with. —Aldon Hynes

Maybe one of the Tweet Revolutionaries can explain how Twitter helps with the much more crucial tasks of connecting dots, situating events in their proper context, explaining and

analyzing complex issues, etc. If our information culture did a better job at the latter, I suppose I would be a lot less concerned about all the hype devoted to the former. —Brent Cunningham

Twitter may not connect the dots, but it does an awesome job of letting you subscribe to lots and lots of important ones. —Josh Young

During the attacks in Mumbai, Twitter enabled a spontaneous outpouring of emotion, information, rumors, panic, confusion, anger, and reflected all these nuances as we experienced them. If this isn't a form of reporting, tell me why. The minute-by-minute unfolding brought a real horror to the terror attacks, and people from around the world could empathize with the people in Mumbai—in this emotional connection, we transcended nationality, religion, race, and gender.... The discourse must shift from an argument about one versus the other into a discourse around how social tools are allowing people to channel their emotions and harness them to mobilize into action. —Dina Mehta

The day after CNN's John Roberts rocked the media world in November by reading the news *sans cravat*, CJR's Megan Garber penned an urgent philippic, "John Roberts Must Tie!"

Hmmm... there are a couple of glaring errors in your reporting that I feel compelled to point out. It was not a "button-down" shirt and my "snappy blazer" was in fact a suit. If a prestigious publication like CJR is going to venture into the world of sartorial correctness, it should be sure to get its facts right! —John Roberts

Well, I'm not Tim Gunn... but from the video, it looks to me like a white button-down shirt and a blazer. But: it was a suit jacket? Sure, I'll make the change. And if there's a nuance I'm missing when it comes to the shirt—details of cuff or collar or placket or whatnot—please do enlighten me! —Megan Garber

Hey Megan... Yes, it was a spread-collar shirt and a black pin-striped suit! If you have any suggestions on other rings I could add to my sartorial circus, I would be pleased and proud to entertain them. —John Roberts

would be on the road to regaining the public esteem they lost before this cast of pseudo-reporters and experts arrived on the scene. The health and survival of journalism demand that more outlets put a stop to this madness.

*Blue Heron*

*Comment posted on CJR.org*

### Fixing a Hole

Analysis of the press is a dirty job, and CJR has done pretty well by and large. That said, I have to disagree with some assumptions you made in your November/December Opening Shot.

You complain that no one "connected the dots" to inform the public about the coming financial disaster, and, in part, blamed information overload. To the contrary, what we suffer from is not information overload, but disinformation overload. To find any information

in the mainstream media, you have to sift through a ton of garbage to get a pound of fact. The financial meltdown is a great example. When news of U.S. Treasury Secretary Henry Paulson's bailout plan was first released, I tried to get some information about the specifics, but nothing doing—opinions abounded, but actual information was scarce.

Your solution to bad journalism is to "rethink" the role of journalism. I wish it were that simple. We have bad journalism not because journalists have a mistaken idea of their role, but because they have to obey their corporate owners, whose main interests are in making a profit and preserving the status quo. Censorship, a shrinking newshole, and a decline in the coverage of international news are some of the troubling consequences of that dynamic. We need to re-regulate the laws governing media

companies and change the parameters within which journalists operate. Here are a few suggestions: 1) government should fully fund public radio and TV so that we have at least some news outlets not beholden to big business; 2) we should force news outlets to provide more public-interest coverage; 3) we should require political campaigns to be publicly funded, and force news outlets to provide airtime to candidates—after all, the airwaves are *ours*, not the media companies'; 4) we should enforce the anti-trust laws to protect the public from media monopolies.

*Myra Jones*

*Bradenton, FL*

### CSI: Wall Street

Dean Starkman's "Boiler Room" essay (CJR, September/October) brought to mind a point that came up during the Enron collapse. I received a call from a Canadian friend who, like me, is a forensic accountant. "Any forensic accountant could have seen this coming a mile away," he said. "The problem with the financial media in the U.S. is that they rely so heavily for analysis on security analysts—people who are trained to see the good things in companies and their financial statements. We're trained to look for the bad stuff." He suggested that I call around and see if any American media institutions had forensic accountants on staff. He predicted I would find none. He was right. However, a few months later, after the Enron story was a faded memory, I called around again. Almost every major publication that covered business and finance retained at least one forensic accountant. Bloomberg said they had seven.

Well, what the hell have they been doing? Watching golf on ESPN? As Starkman so graphically explores in "Boiler Room," the entire U.S. financial community was beset with criminal activity, blatantly so. And with a few remarkable exceptions, one being an NPR program that rarely covers business, the media missed the biggest financial crime story since the savings-and-loan collapse. Perhaps the follow-up story should examine mainstream media's decidedly cozy relationship with Wall Street.

*Mark Dowie*

*Point Reyes Station, CA*

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## EDITOR'S NOTE

GOOD JOURNALISM AND GOVERNMENT TRANSPARENCY GO HAND IN GLOVE. BOTH ultimately seek to provide the power of information to the people, and both tend to discourage the kinds of acts by government and others that are more easily performed in the shadows. So it seemed to us that transparency in government was a good subject for this magazine at this moment, as America moves from an administration that has been intent on increasing secrecy to one that tells us it will let in more light. When it comes to transparency, journalists ought to be more than observers of the debates about it; we should be advocates.

Thus, our editorial in this issue, on page 4, offers President Obama several ways he can make good on his promise of open government. Our cover package, beginning on page 26, starts with a transparency damage report from the Bush years by Clint Hendler. As a measure of how important we consider the issue, Hendler will write regularly on transparency issues on CJR.org. Meanwhile, over the next few weeks, we will feature additional material on the issue of government transparency on CJR.org. CJR wants to thank the Sunlight Foundation for its support of this work online, as well as the Stewart R. Mott Charitable Trust and the Fund for Investigative Journalism for their contributions to this project.

Speaking of our Web site, we hope that by now you have seen our redesign, launched in December. We think it's clean, intuitive, and modular, thus ready for more growth. We've already added several new features, including NEWS MEETING, in which our readers join in a conversation about journalistic questions and quandaries. Its designer, Point Five Design, is also responsible for the look of the print magazine, and we're happy to tell you that CJR's cover designs were recognized in 2008 by both the Society of Publication Designers and *Print* magazine's prestigious Regional Design Annual 2008.

Finally, we welcome a new writer to CJR: Charles Kaiser, who brings to CJR.org his incisive and passionate Full Court Press column from the late *Radar* magazine. A former reporter for *The New York Times* and *The Wall Street Journal*, and a former press critic for *Newsweek*, Kaiser is the author of two books, *1968 in America* and *The Gay Metropolis*. We are delighted to be working with him and suspect you will be glad to read him on CJR.org twice a week.

—Mike Hoyt

Congratulations to the 2008 winners of the \$75,000

# Grantham Prize

For Excellence in Reporting on the Environment

**David Barboza, Keith Bradsher, Howard French,  
Chang W. Lee, Joseph Kahn, Jimmy Wang, Jim Yardley,  
and Mark Landler**  
of the New York Times for their series  
*Choking on Growth*

and to the winners of \$5,000 Awards of Special Merit—

**Alison Richards and David Malakoff**, editors of the National Public Radio News series,  
*Climate Connections: How people change climate, how climate changes people.*

**Dinah Voyles Pulver** of the Daytona Beach News-Journal  
for her series, *Our Natural Treasures—Are We Losing Our Way?*

**Edward Struzik** for his series, *The Big Thaw—Arctic in Peril*,  
which ran in two of Canada's largest newspapers, the Edmonton  
Journal and the Toronto Star.

## CALL FOR ENTRIES

The Metcalf Institute for Marine & Environmental Reporting invites entries for the fourth annual \$75,000 Grantham Prize for Excellence in Reporting on the Environment by media in the U.S. and Canada.

Postmark Deadlines:  
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The screenshot shows the Columbia Journalism Review (CJR) website. At the top, the browser address bar shows 'http://cjr.org/'. The website header includes the title 'COLUMBIA JOURNALISM REVIEW' and the tagline 'Strong Press, Strong Democracy'. Navigation links include 'Desks', 'Blog', 'Columns', 'Talk', 'Magazine', 'Multimedia', 'Projects', 'Resources', and 'About Us | Contact | Advertise'. The main content area features a large portrait of a man, identified as 'Murray's Boy Dan Rather in high definition.' by Jesse Sunenblich. To the right, a 'DESKS' section lists various topics like 'Campaign Desk Politics & R', 'Who Will Be at the Table?', 'Jet-tisoned The Big Three's', 'The Audit Business', 'Cookie-Company Crisis Ma', 'Journal Pushing Free Trade', 'The Observatory Science', 'Video: Climate Central A ne', 'How Attention Networks Wo', 'Behind the News The Media', and 'Gannett Papers Shocked by right to pre-review articles'. At the bottom, there are links to 'The Kicker CJR's daily blog' and 'last updated: Fri 2/22 PM'.

# Currents



## Cloudy Skies

In many ways, CleanSkies.tv, an online outfit offering “energy and environmental news, information, discussion, and commentary,” resembles other TV news operations. It has offices in Atlanta, Washington, D.C., and Oklahoma City, a multimillion-dollar budget, and twenty-five journalists on staff, some of them big-name television personalities. *Clean Skies Sunday*, for instance, is hosted by former CBS *Morning News* anchor Susan McGinnis and airs on WJLA-7, Washington’s ABC affiliate. But behind the journalistic veneer lies a tangle of energy interests that are not readily apparent to viewers or clearly acknowledged on the network’s Web site. CleanSkies’s parent group, the American Clean Skies Foundation, is funded by Oklahoma-based Chesapeake Energy Corporation, the nation’s largest

independent producer of natural gas (a fossil fuel that is responsible for 20 percent of all U.S. carbon-dioxide emissions). Chesapeake’s founder, Aubrey McClen-don, chairs the foundation board. The network itself is operated by Branded News, a subsidiary of Ackerman McQueen, an Oklahoma advertising agency that counts Chesapeake among its clients.

What’s more, CleanSkies has signed up a handful of “peer-group partners” to advise it on select programming, including Honda USA, Natural Gas Vehicles for America, and Clean Energy Fuels, another natural-gas provider.

Network officials argue that these ties don’t influence their news coverage, which

they say is “insulated from potential outside influence” by an oversight committee, headed by Burl Osborne, a former editor and publisher of *The Dallas Morning News* and chairman of the Associated Press board. “We have a group of journalists with significant pedigrees,” says Kelley Rickenbaker, the general manager of CleanSkies. “The reason those people came to work for us is that we were able to guarantee their editorial independence.”

But CleanSkies’s programming is suffused with plugs for natural gas. Sometimes the advocacy is subtle: for example, the network makes frequent mention of a Clean Skies Foundation report that suggests the U.S. has enough natural gas to last a hundred years, and of T. Boone Pickens’s energy plan, which calls for a large fleet of natural-gas vehicles. In other instances, the plugs are overt, as is often the case with the show *Energy Matters*, hosted by Denise Bode, a former petroleum lobbyist and the founding CEO of the Clean Skies Foundation (she stepped down December 31). During an August episode, Bode spelled out her goal for the network: “I want to have natural gas more on the lips of people who are making decisions, whether it be the soccer moms or presidential candidates.”

More recently, *Energy Matters* featured a fawning tribute to retiring New Mexico Senator Pete Domenici, who was described



**'What, I'm supposed to be shocked that Sam Zell isn't keeping his word?'**—James Gerstenzang, a former *Los Angeles Times* reporter, when asked by *The New York Times* about the fact that his buyout payment was in jeopardy after the Tribune Company filed for bankruptcy

as a "man of great principle" and a champion of "clean energy." In fact, Domenici's legislative record is anything but green. Until 2005, he was one of Congress's staunchest global-warming deniers. He has opposed increased funding for renewable energy and backed measures to shield makers of MTBE, a gasoline additive that pollutes drinking water, from lawsuits. Meanwhile, he has pushed tax breaks for oil and gas producers and fought to open offshore areas to drilling—a priority for the natural-gas industry. "People are making a big mistake when they say 'don't drill,'" Domenici suggested in the CleanSkies segment.

"Right. Yes," Bode replied. "Part of the answer I think... is raising people's awareness that there are vast new supplies of natural gas coming onshore."

This type of overt shilling airs alongside original Sierra Club programming, in-depth interviews with energy experts, and saturation coverage of political events. Last August, former CNN anchor Joie Chen reported live for CleanSkies from the Democratic National Convention—along with Bode and Jim Martin, the head of public relations for the Clean Skies Foundation. When the cameras weren't rolling, Bode was hobnobbing with lawmakers in her role as an advocate for natural gas.

Faced with growing opposition to its drilling in Fort Worth's urban Barnett

Shale area, Chesapeake had planned to roll out a second online operation, Shale.tv, staffed by veteran Dallas TV anchor Tracy Rowlett and former NBC *Dateline* producer Olive Talley. It pulled the plug after the Wall Street meltdown, but it hasn't ruled out future news ventures.

"The company will keep the option on the table for future consideration," says Chesapeake spokesman Brent Gooden.

—Mariah Blake

## Glory Days

THESE ARE BRUTAL TIMES for the newspaper industry. Widespread buyouts, shuttered bureaus, diminished ambitions—in many cases, not even the physical size of the paper has been spared. May I suggest a balm for newsprint devotees? Watch some old episodes of *Lou Grant*, the late-seventies TV series about life at a newspaper, which has never been released on DVD but is now available on the streaming video site Hulu.com.

The show, which stars Ed Asner as an irascible city editor at the *Los Angeles Tribune*, a fictional version of the *Los Angeles Times*, is a time capsule of an era when circulation was up and anxieties about the industry's future were down. In *Lou Grant*'s newsroom, the phones are always ringing, the typewriters clacking, the reporters free to spend days or weeks working a story, without fretting over ballooning

expenses or the next round of layoffs. The Internet, of course, is a nonfactor; the most advanced technology is a Telex machine. In short, *Lou Grant* revels in the old-fashioned milieu of shoe leather and black ink.

In the current climate, a TV series based on a newspaper is almost inconceivable. Imagine if the show were filmed today—the dialogue would focus on declining ad dollars, not Pulitzers, and cynicism about the media is so prevalent that even the *Lifetime* channel would have difficulty creating sympathetic characters. Case in point: the final season of HBO's *The Wire*, created by former *Baltimore Sun* reporter David Simon, depicts a dysfunctional newspaper beleaguered by cutbacks, its management callously using inexperienced reporters, one of whom becomes a Jayson Blair-like fabulist. A more likely series, given the popularity of *The Daily Show* and *The Colbert Report*, would be an *Onion*-esque show about a fake newspaper.

But *Lou Grant*, which debuted in 1977, capitalized on the esteem that flowed to the profession in the post-Watergate years. One character, Rossi, is a hard-charging reporter in the Woodward-Bernstein mold, his corduroy blazer flapping as he chases down crooked officials. Sure it's a cliché, but a lot of the details feel right. The paper's veteran staffers have bounced around smaller markets for years

## HARD NUMBERS

**86** percent of adults over the age of eighteen who read a local community newspaper each week (in markets served by newspapers of less than 25,000 circulation)

**59** percent who consider their local newspaper a primary source of news and information about their community (up from 45 percent in 2007)

**11** percent who consider television a primary source of local news (down from 20 percent in 2007)

**3.4** percent who consider the Internet a primary source of local news (the same as in 2007)

**27** average hours a month that people who use the Internet spend online

**2.5** average hours a month that Internet users spend watching online videos

**68.3** million people who saw a *New York Times* ad following the presidential election (a video of Obama with an invitation to submit comments), which appeared on the front page of Facebook

**24** hours it took, after the ad appeared, for the number of fans on the *Times*'s Facebook page to triple—from 49,000 to 164,000

**\$5.9** billion spent on online ads in the U.S. during the third quarter of 2008 (an increase of 11 percent from the same quarter in 2007)

**8.9** estimated percent increase in online ad spending in the U.S. in 2009 (down from a predicted increase of 14.5 percent)

Sources: National Newspaper Association, Nielsen Media Research, Nieman Journalism Lab, Interactive Advertising Bureau and PricewaterhouseCoopers, Arbitron, e-Marketer

before landing at a big-city daily; the plots revolve around meat-and-potatoes issues like school violence and immigration. The show even captures the blend of righteous pride and self-deprecating humor common to newsmen (the opening credits follow a paper from felled tree to printing press to morning delivery to, finally, a bird cage). The Society of Professional Journalists praised the show in 1978 for "portraying us realistically, but not too realistically."

And yet, if you watch closely, you can catch glimpses of some of the issues facing newspapers today. In the pilot, Lou grabs a copy of the *Tribune* from a street receptacle without paying, then sheepishly doubles back and coughs up a quarter—a miniature encapsulation of the debate over free Web content playing out in so many newsrooms. And the *Tribune's*

publisher, Mrs. Pyncheon (a pre-*Sopranos* Nancy Marchand), is a wealthy, intimidating figure with a reputation



for meddling on the editorial side—a proto Rupert Murdoch, if you will. I watched an episode about a reporter who has an affair with a city official she is covering and was mildly shocked to read days later about an actual scandal involving a former *Miami Herald* reporter and a local school chief.

So does this mean the problems facing newspapers

today aren't particular to our time? Perhaps. But one element in *Lou Grant* feels very different from today: whatever troubles may exist, the reporters themselves seem blissfully unaware of them. They pursue their jobs with vigor, and it is pure joy to watch journalists work so unencumbered—even if it's only on an old TV show.

—Steven Kurutz

## Entitled Time

AFTER TWO HARRIED YEARS on the trail, an endless stream of hotel rooms, fast food bolted on the fly, the same speeches day after day, journalists finally had time to curl up with a good book—or several good books. We asked a few campaign reporters what they chose to unwind with:

**Candy Crowley (CNN)**

*You Are Not a Stranger Here* by Adam Haslett; *In the*

*Woods* by Tana French; *Never Too Late: A Prosecutor's Story of Justice in the Medgar Evers Case* by Bobby Delaughter

**Don Gonyea (NPR)** *To Kill a Mockingbird* by Harper Lee; *Seven Ages of Paris* by Alistair Horne; *The Road* by Cormac McCarthy

**Anne Kornblut (The Washington Post)** *Why Women Should Rule the World* by Dee Dee Myers; *The Inheritance of Loss* by Kiran Desai

**Ryan Lizza (The New Yorker)** *The Defining Moment: FDR's Hundred Days and the Triumph of Hope* by Jonathan Alter; *The Agenda: Inside the Clinton White House* by Bob Woodward; *The White House Staff: Inside the West Wing and Beyond* by Bradley H. Patterson Jr.

**Alexander Marquardt (CNN)** *The Nine: Inside the Secret World of the Supreme Court* by Jeffrey Toobin

**Peter Nicholas (Los Angeles Times)** *The Crisis of the Old Order: 1919–1933, The Age of Roosevelt, Volume I* by Arthur M. Schlesinger Jr.

**Michael Powell (The New York Times)** *Revolutionary Road* by Richard Yates; *The Great Crash 1929* by John Kenneth Galbraith; *The Hungry Tide* by Amitav Ghosh

**Andrew Romano (Newsweek)** *Lincoln* by David Herbert Donald; *The Earl of Louisiana* by A.J. Liebling; *The Points of My Compass* by E.B. White

**Jeff Zeleny (The New York Times)** *The House at Sugar Beach: In Search of a Lost African Childhood* by Helene Cooper

—Jane Kim

## LANGUAGE CORNER GREAT EXPECTATIONS

Write LanguageCorner@cjr.org

PLEASE SELECT THE STATEMENT THAT BEST DESCRIBES HOW YOU FEEL ABOUT THE new Obama administration: a) I am eager to see what happens; b) I am anxious to see what happens; c) I can anticipate what will happen; d) All of the above; e) Is this a trick question?

The correct answers are a), b), c), or d), and also e), depending on your politics or your use of language.

Traditionally, "eager" has meant looking forward in a positive way, as in "Sasha and Malia are eager to get their new puppy." "Anxious" has meant "worried," as in "Because I supported McCain, I am anxious for the future of this country." And "anticipate" has meant "forestall," as in "Obama anticipated the girls' desire by announcing they would get a new puppy."

But "anxious" has been used as a synonym for "eager" for hundreds of years, so Sasha and Malia could also be "anxious" to get their new puppy. And "anticipate" is now used more often to mean "expect," often with a slightly positive spin, as in "I anticipate that our nation's stature will rise as a result of this election."

Even the meaning of "eager" has shifted. Webster's *New World College Dictionary* defines "eager" as "feeling or showing keen desire; impatient or anxious to do or get; ardent."

We're eager for careful writers to use "anticipate" to mean "expect," or, if they're anxious about it, to choose something less ambiguous, like "I look forward to hearing from you" or "I expect trouble from that one."

—Merrill Perlman



**DART** to the Cleveland **Plain Dealer** for failing to stick by its story. Last October, investigative reporter Bob Paynter,

at the urging of Editor-in-Chief Susan Goldberg, produced "Justice Blinded: Race, Drugs and Our Legal System," a series of articles that, through rigorous quantitative and qualitative analyses, illustrated that in Ohio's Cuyahoga County, blacks arrested on first-time, drug-related violations "were 66 percent more likely to be saddled with a felony record than their white counterparts," who were more likely to get treatment as an alternative to conviction. Paynter's series also showed that whites were more likely than blacks to have their charges reduced to misdemeanors.

The stories, which were published after a six-month investigation, drew sharp criticism from Cuyahoga County Prosecutor Bill Mason, who alleged that they unfairly pointed a finger at his office for its involvement in deciding which defendants would be admitted into treatment programs. In an op-ed published by the *Plain Dealer*, Mason wrote that "the reporter left out significant facts or information." He suggested that his office alone was not to blame for the racial disparity, because, in fact, the decision to recommend alternatives to incarceration rested with judges. This was territory that had been well covered in Paynter's series; it was a key part of Paynter's point. It's true that, by law, oversight rests with the judges. But in practice, Paynter reported, the prosecutor's office had come to exert significant influence over who would be admitted into treatment programs, according to dozens of interviews with county judges and defense attorneys. Goldberg says Mason was notified of the series' findings before publication, but Mason chose not to go on record about the perception that his office had influence over the programs.

Before granting Mason space for an op-ed, the paper's editorial board met with Mason to hear his grievances. The *Plain Dealer* also assigned reporter Leila Atassi to produce an article that further aired Mason's objections. In that piece and others that followed, Mason's aides attacked the series, but Paynter was never allowed to comment or respond. The *Plain Dealer's* editorial page was silent. Paynter, a Pulitzer Prize-winning reporter, took a buyout offer and left the *Plain Dealer* on the day after Mason's op-ed and Atassi's story appeared. He says he stands by his stories. Stuart Warner, an editor on the project, who left the paper shortly before the stories ran, says he has full confidence in Paynter's reporting.

The *Plain Dealer's* failure to aggressively back its reporter risked allowing Mason's gripes to overshadow the outrageous injustices revealed by Paynter's strong and painstaking

work. Still, change may come as a result of the series: Mason has ordered an investigation of the county's handling of drug convictions.

**LAUREL** to the **Milwaukee Journal Sentinel** for exposing the federal government's failure to regulate harmful chemicals found in household and personal products. According to the paper's investigation, more than fifteen thousand substances, known as endocrine disruptors for their noxious effects on hormonal function, have yet to be screened, despite tens of millions of dollars spent since 1999 to create a testing program. The article, **ARE YOUR PRODUCTS SAFE? YOU CAN'T TELL**, pointed to more than \$75 million that the chemical industry spent on lobbying to delay testing or soften the stringency of the tests. Meanwhile, Europe, Japan, and South America have enacted testing protocols that have resulted in stricter regulation, such as a European ban on 1,100 chemicals found in cosmetics.

The article was one of several in the last one and a half years spearheaded by science writer Susanne Rust, who connected the rise of cancers caused by disruptions in the endocrine system with the increased use of plastics; she was assisted by reporters Cary Spivak and Meg Kissinger on the project.

The piece singled out bisphenol A, a controversial compound found in baby bottles, eyeglass lenses, and DVDs. Despite chemical-industry claims that the substance is safe, the *Journal Sentinel's* analysis found that more than 80 percent of studies pointed to the chemical's harmful effects on animals. As a result of the article, state and federal lawmakers have announced that they would seek a ban on bisphenol A.

**DART** to the **Daily Press** (Newport News, Virginia) and other newspapers that publish mug shots from local arrests. In 2008, the *Daily Press* put up almost three hundred photographs of people arrested for crimes ranging from trespassing to murder. As of December 1, a link to the mug-shot gallery was featured on the *Daily Press* home page. The practice of publishing mug shots has grown, both online at The Smoking Gun, and in print, with do-it-yourself publishers launching papers containing mug shots and nothing else, such as the *Jail* in Orlando, and *The Slammer*, in Raleigh, North Carolina. The *Palm Beach Post* also publishes a mug-shot gallery online, but prefaces it with an explanation that those pictured have not been convicted and are "innocent until proven guilty"—which is more context than the *Daily Press* provides. In all cases, the mug shots are displayed without consideration of news value or the cases' outcomes. In the eyes of these publications, every person arrested deserves to be publicly humiliated. What's next, the stockade? **CJR**

## Un-American

*Have you listened to the right-wing media lately?*

IN THE WEEKS FOLLOWING THE ELECTION, THE DEBATE OVER THE ISSUE OF media bias, and of whether the press was overly kind to Barack Obama, has continued to swirl. Much less attention has been paid to another, more troubling aspect of the coverage, and that's the relentless and malevolent campaign that the right-wing media waged against the Democratic candidate. Few people who did not regularly tune in to the vast, churning combine of bellowing radio hosts, yapping bloggers, obnoxious Web sites, malicious columnists, and the slashing partisan Fox News have any idea of just how vile and venomous were the attacks leveled at Obama. Day after day, week after week, these outlets worked determinedly to discredit and degrade Obama, accusing him of being a Muslim, a Marxist, a radical, a revolutionary, a socialist, a communist, a thug, a mobster, a racist, an agent of voter fraud, a black-power advocate, a madrasah graduate, an anti-Semite, an enemy of Israel, an associate of terrorists—even the Antichrist. Supplemented by a flood of viral e-mails, slanderous robocalls, and Internet-based smear campaigns, these media outlets worked to stoke firestorms of manufactured rage against Obama and the Democrats in what was perhaps the most concerted campaign of vilification ever directed at an American politician.

In light of Obama's victory, one might be tempted to let it all pass. That would be a mistake. For the effects of that campaign remain with us. What's more, the campaign itself is still going on.

Any inventory of the right's media bombast must begin with talk radio. In reach and rancor, it had no equal. Leading the way was Rush Limbaugh. An estimated fourteen to twenty million people tune in to his show every week, and he treated them to nonstop character assassination, calling the Democratic candidate the Messiah, a revolutionary socialist, a liar, "Osama Obama," a man with a "perverted mind" who wants to destroy America and the middle class, a front man for terrorists who wants to turn the country into a version of Castro's Cuba or Mugabe's Zimbabwe. According to Michael Savage (eight million listeners), "Barack Madrasah Obama" was "hand-picked by some very powerful forces both within and outside the United States of America to drag this country into a hell that it has not seen since the Civil War." Laura Ingraham (5.5 million listeners) spent her nights fuming over Chavez, Ahmadinejad, Hamas, Hezbollah, Ayers, Wright, ACORN, and, in the campaign's final days, the "racist-terrorist" Rashid Khalidi. She urged listeners to call a toll-free number with any information they might have about the "terrorist party tape" that showed Obama at an event honoring the Palestinian professor.

The noxious clouds emitted by these national windbags were further fed by gassy eruptions from scores of local and regional radio hosts. As documented in a recent report by the group Media Matters, these hosts harped on the notion that Obama is a Muslim whose true loyalties lay outside the United States. "Let's ask Obama how many prayer rugs he has," sneered Neal Boortz of Atlanta. "Gunny" Bob Newman of Denver called Obama a "blowhard, make-believe thug" and a "far-left terrorist-hugging politician" whose election would lead to "an invasion of Muslim terrorists." Cincinnati's Bill Cunningham stated that Obama wants to "gas the Jews," while Minneapolis's Chris Baker called him a "little bitch" who "won't even stand up to a smoking-hot chick from Alaska."

The vitriol circulating in the blogosphere was no less extreme. TERRORIST BILL AYERS VOTES IN OBAMA'S NEIGHBORHOOD, proclaimed the endlessly strident Michelle Malkin on her site on Election Day. Nearby, she offered a helpful link on Ayers's "relationship to Cuban intelligence." Obama's message, said the mephitic Monica Crowley, "is a thoroughly negative one: America stinks, the economy stinks, Iraq stinks, our efforts around the world stink, coal stinks, wealth stinks, plumbers stink, conservatives stink, religion stinks...." But "confiscatory taxes, socialism, domestic terrorists, anti-American racist rants, and





**Demagogue** Fox News's Sean Hannity waged a nightly campaign to portray Obama as an enemy of the people.

convicted felons are swell, apparently." Ayers and Khalidi, insisted the hardcore Hugh Hewitt, were not simply associates of Obama's but actual advisers. Far-right Web sites like World Net Daily and Newsmax.com floated all kinds of specious stories about Obama that quickly careened around the blogosphere and onto talk radio. One particular favorite was the claim that Bill Ayers ghost-wrote *Dreams From My Father*.

As for columnists, one could read Michael Barone warning about "The Coming Obama Thugocracy," Jonah Goldberg jeering about Obama's "pals from the Weather Underground who murdered or celebrated the murder of policemen," and Charles Krauthammer lambasting Obama for being a celebrity, a narcissist, a rigid ideologue, a cynical pragmatist, ambitious, mysterious, and underhanded. "By the time he's finished," Krauthammer fumed, "Obama will have made the Clintons look scrupulous." The National

Review Online came to resemble a barnyard, in which strutting roosters spent their days hooting and hollering while littering the ground with manure.

In the end, no institution devoted more energy to assailing Barack Obama than Fox News. Any pretense that the network is anything other than an arm of the most rigid reaches of the Republican Party was dispelled by its relentless campaign against the Democrats. On *The O'Reilly Factor*, Bill O'Reilly offered nightly reports on Bill Ayers, including one "exclusive" in which a reporter staked out the Chicago professor's house for days, then confronted him so aggressively that Ayers had to call the police. Greta Van Susteren, when not gushing over Sarah and Todd Palin, seemed to offer up a series of Republican talking points. "Next: Who Is Rashid Khalidi?" went a typical teaser. Appearing regularly on the network were a series of professional Democrat detractors, including architect-

of-the-most-unpopular-presidency-in-American-history Karl Rove, onetime-Bill-Clinton-adviser-disgraced-after-having-been-found-consorting-with-a-prostitute Dick Morris, and the always-welcome-on-Fox-no-matter-how-foul-her-views Ann Coulter. "I feel," she said on one show, "like we are talking to the Germans after Hitler comes to power, saying, 'Oh, well, I didn't know. I had no idea he was going to be like this.'"

When it comes to Obama-bashing, however, Sean Hannity was in a class by himself. Consumed with a hatred for Obama that at times seemed pathological, Hannity waged a nightly campaign to depict him as a treacherous enemy of the people, who, if allowed to take office, would subvert every value and tradition Americans hold dear. The centerpiece of this effort was an hour-long special, "Obama & Friends: History of Radicalism," that drew on a series of marginal

and shadowy writers and researchers to offer up a series of allegations and half-truths about Obama's supposed ties to Tony Rezko, ACORN, Louis Farrakhan, Muslim fundamentalists, black-power advocates, and, of course, Bill Ayers. In one especially lunatic segment, Andy Martin, a writer with a history of making anti-Semitic statements, claimed that Obama, in deciding to work as a community organizer in Chicago after college, had "probably" been recruited for the job by Ayers, who was seeking to test his suitability for joining his radical political movement, the aim of which was to bring about in America a "socialist revolution." Martin offered not a shred of evidence to back up this charge. Nonetheless, the image of Obama-as-Ayers-front-man became a staple on talk radio and in the blogosphere.

For years now, Fox has tried to promote the idea that, while its prime-time

to often brutal and sometimes excessive criticism in the mainstream media, but they were never called thugs or accused of trying to turn America into a fascist state. After weeks of watching Fox, of listening to Limbaugh, and of surfing the Internet; after hours of hearing repeated references to terrorists and thugs, radicals and revolutionaries, Muslims and madrasahs, I came away feeling that these outlets were helping to foment such hatred and fear of Obama that some members of their audience might feel justified in resorting to violence to stop him. The climate seemed no less toxic than the one that arose in Israel in the months leading up to the assassination of Yitzhak Rabin in 1995.

That climate still exists. The election of Obama has done nothing to diminish the frequency or zeal of the attacks against him. As I write in late November, you can turn on Sean Hannity and

A more effective approach, I think, would be to use the tools of public suasion. For too long, moderate voices—not wanting to appear intolerant, perhaps, or to be attacked themselves—have shied away from speaking out against these hatemongers. Mainstream news organizations, when not ignoring them, have tended to coddle them. Last July, for instance, *The New York Times Magazine* ran a cover story on Limbaugh that read like an ad for his show. Calling him an "American icon," it commended his "basically friendly temperament" and quoted Ira Glass as saying, "Rush is just an amazing radio performer." Not to be outdone, Barbara Walters included Limbaugh on her "ten most fascinating people" list for 2008, an honor Limbaugh promptly trumpeted on his show. This seems unaccountable. Rather than celebrate such extremists, the press should seek to expose their xenophobia, intolerance, and fanaticism.

Moderate conservatives should join in as well. Speaking out against the malignancy in their midst would be not only moral but also astute, for these zealots have done nearly as much harm to Republicans as to Democrats. During the primary season, Limbaugh, Hannity, and the rest spent months attacking John McCain as a phony Republican and apostate conservative. When McCain received the nomination, they did a quick about-face and redirected their fire at Obama, but by then McCain had been so bloodied that many Republicans decided they could not vote for him; millions, in fact, stayed home on Election Day. It's time for reasonable Republicans to step forward and denounce the Limbaughs and Hannitys for what they are—un-American.

No doubt the thunderers on the right would respond by pointing to their huge audiences. "We're just giving people what they want," they would say. On one level, the millions who tune in to these messages would seem a powerful rebuttal to any argument for restraint. Throughout history, though, demagogues have never lacked for an audience. That, in fact, is what makes them so dangerous. **CJR**

MICHAEL MASSING is a contributing editor to the Columbia Journalism Review.

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## These outlets promote a mindset in which opponents are seen not merely as fellow citizens to be debated but as members of a subhuman species that must be stamped out.

lineup of O'Reilly, Hannity, and Van Susteren might have a conservative bent, its newscasts are fair and balanced. Fox's campaign coverage revealed the utter emptiness of that claim. Over the final weeks of the campaign, for instance, the network offered near-hourly updates on ACORN and what Fox insinuated was its campaign to steal the election for the Democrats.

During the campaign, of course, MSNBC emerged as a left-leaning counterweight to Fox, and the two were often discussed as somehow balancing or canceling out each other. This is a false analogy, for while MSNBC was highly partisan and even shrill at times, it did not try to portray John McCain and Sarah Palin as anti-American figures determined to destroy and destabilize the nation. More generally, the Republican candidates (especially Palin) were subjected

to see him still raging about Obama's ties to Ayers; you can tune in to Rush Limbaugh and still hear him decrying the radical socialist regime Obama is seeking to impose. These outlets have stoked the politics of personal destruction in America, promoting a mindset in which opponents are seen not merely as fellow citizens to be debated and persuaded but as members of a subhuman species who must be isolated and stamped out.

So what is to be done? The excesses of talk radio have fed support in some quarters for bringing back the fairness doctrine, the legal provision that required broadcasters to provide equal airtime for opposing sides of an issue. Such a move, however, would likely result in the presence of less rather than more speech, and the right is already using the prospect of such a policy change to incite and mobilize its constituents.

## In the Tank

*Did the press help elect Barack Obama?*

FIRST, ALLOW ME TO CONFESS MY SINS. FOR THE LAST ELEVEN YEARS, I HAVE made my living practicing the dark art of journalism, and while perhaps not a full-fledged member of that nefarious institution known as the MSM, my byline has on occasion been spotted on the pages of such well-known offenders as *The New York Times*, *The Washington Post*, and *Slate*. I've even been known to pal around with members of those organizations. To make matters worse, somewhere in my closet is a sheepskin from an Ivy League university, and while I do not patronize Starbucks, I did for some years own a Volvo and reside within the boundaries of the District of Columbia. In short, I could loosely be labeled a member of the liberal media elite. In mitigation, I can offer that I currently live south of the Mason-Dixon line and own a handgun—though it was made by a Communist government.

Nevertheless, many of you have no doubt already guessed the ugly truth: on the morning of Tuesday, November 4, 2008, I stepped behind a closed curtain and cast my vote for Barack Hussein Obama. While that may not seem like much of a transgression to some, in conservative political circles, the perceived widespread support for Obama among journalists was one of the defining aspects of the Illinois senator's historic run for the White House. In part, this is nothing new. The right has been complaining about liberal bias in the media since at least the early 1960s, when Republican presidential nominee Barry Goldwater made press-bashing a central part of his campaign. These days, railing against the liberal media is a mandatory applause line at any conservative rally.

To be sure, liberal partisans have their own concerns about an increasingly corporate media, but surveys of journalists consistently show that those involved in gathering and editing the news are somewhat more liberal, at least on social issues, than their fellow citizens. For example, a 2004 survey of 547 journalists commissioned by the nonpartisan Pew Research Center for The People and The Press found that only about 7 percent of journalists identified themselves as conservative. By contrast, in a Gallup poll that same year, about 20 percent of the public identified themselves as liberal, as compared to about a third of the press corps. Obviously, such numbers shift with the political winds and generalized labels are of limited utility, but it seems ridiculous to deny that those who choose journalism as a career skew more liberal than the population as a whole, just as those who get an MBA or enlist in the military skew a bit more conservative.

The real issue is how and whether that political inclination translates into biased coverage. Traditionally, the dominant "ism" of the trade wasn't liberalism

or conservatism, but skepticism. In the 2008 presidential race, however, there was no doubt among conservatives that journalists abandoned any semblance of skeptical detachment. Mark Salter, an aide to Republican nominee John McCain, conceded that his candidate faced an uphill climb, but told *Time* magazine after the election, "I do believe, and will never be dissuaded otherwise, that the media had their thumb on the scale. Maybe if the media had been fair, we still would have lost. But there were two different standards of scrutiny for us and Obama." Other conservatives were less restrained. Fox News's Bill O'Reilly stated that the standards of the news media were "collapsing" in an effort to support Obama and called the press bias the worst "ever in the history of broadcasting in this country."

But it wasn't just conservative talking heads or GOP operatives bashing the coverage. Mark Halperin of *Time* magazine decried the "extreme pro-Obama coverage," calling it "the most disgusting failure of people in our business since the Iraq war." *Washington Post* ombudsman Deborah Howell said she agreed with readers that the paper had demonstrated a tilt toward Obama. Howard Kurtz, the *Post*'s veteran media critic, scolded "hyperventilating" in the press over Obama's win and looked forward to seeing reporters "wade back into reality" after the inauguration day. Not everyone shared this view, of course. Jack Shafer, the media critic at *Slate* who rarely spares the rod when he catches scribes peddling hokum, isn't buying the media-conspiracy talk. "I just don't see it. Certainly the reporters that I've talked to who cover Obama don't give me the sense that they are in love with him," he told me.

As these dueling viewpoints illustrate, when discussing something as inherently subjective as bias there is a depressing lack of objective measuring sticks. However, that didn't stop the Project for Excellence in Journalism from giving it a go. Researchers analyzed 2,412 campaign stories from forty-eight news outlets published in the six weeks between the Republican convention in early September and the last presidential debate in October. The analysis showed not so much a bias in

favor of Obama as pervasively negative coverage of John McCain. While Obama stories were about evenly distributed among positive (36 percent), negative (29 percent), and neutral (35 percent), McCain stories ran 57 percent negative and only 14 percent positive.

So, case closed? Not quite. The study included some telling points. For example, McCain's coverage in the week coming out of the Republican convention was very positive—much more positive than Obama's coverage. That turned sharply the following week, when the financial crisis blew up and McCain reaped the whirlwind by proclaiming that “the fundamentals of the economy” were strong. He followed that up by announcing later in the week that he was suspending his campaign to help Congress address the crisis, and might not attend the first presidential debate. The result? Both his poll numbers and his press coverage took a nosedive. Obama, by contrast, kept a lower profile, and his coverage remained a mix of good, bad, and indifferent.

Another point in the PEJ study worth chewing over was that, contrary to received wisdom, McCain's attacks on Obama on issues like his association with former sixties radical Bill Ayers did succeed in driving up the negative coverage of Obama—they just drove up McCain's negative coverage even more. In the end, the PEJ study could not provide a conclusive answer to the question of whether the press had a rooting interest in electing Obama. But the findings do make one thing clear: campaign coverage is largely momentum driven. As horse-race stories about who is up and why predominate, the better you poll, the better your coverage, a virtuous cycle likely only to be broken by a dramatic event. The inverse, of course, is also true.

And that's what is so baffling about much of the carping in conservative circles. Commentators like Bill O'Reilly and Joe Scarborough talked repeatedly about what a rotten campaign John McCain ran and what a great campaign Obama ran; but in the next breath they grieved about how differently the press treated the candidates, without ever seeming to make the obvious connection between the two points.

Though it is beyond me to bridge the gulf between conservatives and the MSM on the bias question, I will offer a few ideas for how to approach this issue when it arises—as it surely will—in future elections:

**Check Your Sources** If the MSM didn't say it, don't reflexively blame them for spraying it. For example, conservatives complained bitterly about the unfair treatment Sarah Palin received in the press, but they usually weren't referring to pesky questions about the Bridge to Nowhere or “troopergate,” but rather to Internet speculation about her family or wicked depictions of Palin by Tina Fey on *Saturday Night Live*. No doubt these things helped shape the public's impression of Palin, but you can't lay them at the feet of the working press. If anything, as post-election reports by Fox News's Carl Cameron revealed, the press actually refrained from reporting damaging stories about Palin coming from inside McCain's own campaign.

**Look Who's Talking** An interesting note buried inside the PEJ study was that researchers excluded talk radio in their assessment of the tone of coverage. One can only hazard a guess at how many hours of Obama-bashing were beamed out to the millions of listeners of Rush Limbaugh, Sean Hannity, and the other conservative yakkers who dominate the dial. Ditto with their cable-TV counterparts, such as Lou Dobbs and Glenn Beck. Surely, MSNBC can't balance them all out.

**The New News Game** Many of the bias complaints were actually thinly disguised laments about the lack of “standards” in modern journalism. This was often expressed as a nostalgic desire for some golden era when the front page was comprised exclusively of inverted pyramids and just-the-facts news writing. But as the Internet has taken over information-dispersal, newspapers and newsweeklies have necessarily become more like feature-driven magazines. That's not due to the personal predilections of a cabal of leftist editors; it's the marketplace that's driving them to redefine their role in an effort to remain relevant and survive.

**Absence of Evidence Can Be Evidence of Absence** Another frequent conservative complaint was that the press was not letting the public in on the “real” Obama. Where was the blockbuster photo of Obama and Bill Ayers in a Hyde Park hot tub? How about a smoking-gun canceled check from Tony Rezko buried in the Cook County conveyance records? Surely, the conservative critics seemed to be suggesting, this type of damning evidence must be out there. In fact, Ayers, Rezko, and other potential Obama campaign detonators (Reverend Wright?) got plenty of page-one coverage—it just didn't change the public's perception of Obama or the trajectory of the campaign, much as the revelation of George W. Bush's DUI arrest didn't change the 2000 campaign. As a friend of mine in politics used to say, sometimes where there is smoke, there is fire, and sometimes there's just a smoke machine.

#### **Open Your Ears, Your Mind Will Follow**

This is equal-opportunity advice for liberals and conservatives. One of the less-savory aspects of media proliferation is that, if we choose, we can get our news exclusively from outlets that reflect our own views back at us. This should be resisted. As a center-lefty, I nonetheless spent a lot of time during the campaign watching Fox News, browsing The National Review Online, and grazing daily at The Drudge Report. Sure, it was tedious at times to sit through Sean Hannity's nightly “a noun, a verb, and Bill Ayers” routine, but more often than not, plugging into the conservative media reminded me that facts, in addition to being stubborn things, are unpredictable in their associations and sometimes even wind up housed in the pie hole of a beefy Irish blowhard. The urge to dismiss news simply because it originates in a hostile precinct may be human but it's also shortsighted—and it leads to a kind of informational provincialism in which anyone not from your ideological tribe is viewed as irredeemably untrustworthy. In a country founded on shared ideas, not a shared identity, I can't think of a bias more un-American than that. **CJR**

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## Back to the Future

*How sports writing can recapture its relevance*

IN THE 1920S, *THE NEW YORKER* PUBLISHED A PIECE THAT DECLARED SPORTS A "trivial enterprise" involving "second-rate people and their second-rate dreams and emotions." The magazine went on to concede, however, that "the quality of writing in the sports pages is, in the large, much superior—wittier, more emotional, more dramatic, and more accurate—to the quality of writing that flows through the news columns." Indeed, many of the greatest writers in journalism—Grantland Rice, W. C. Heinz, Jim Murray, Red Smith, to name but a few—found their home on the sports pages. Sports are big business and they have big themes: physical and intellectual tests, joy and heartbreak, hope and perseverance, teamwork and individual transcendence. The games and characters are ripe for vivid storytelling, and philosophic discourse about human nature and our culture. They are also part of a multibillion-dollar industry in need of dogged watchdog journalism.

But since the mid-1990s, two forces have diminished classic sports writing. First, television coverage in general has expanded, making hype and the sensational aspects of sports dominant. ESPN became a cultural and media juggernaut, sending fans to SportsCenter for highlights and scores, rendering game recaps and box scores in the next day's newspapers obsolete. Newspapers gradually began reducing the size of game stories, dashing the more literary ambitions of their writers. Many of the more stylish writers migrated toward higher-profile and better-paying radio and television gigs, and the faster news cycle created a sports world in which the best reporting started getting sliced into smaller stories. It used to be that a star writer like Red Smith would cover the games and put all of his reporting into a substantial game story or one of his columns. "Red Smith was my inspiration to get into sports writing," says Buster Olney, a senior writer at ESPN *The Magazine* who spent six years at *The New York Times*. "You read his writing and said, 'Wow!' Today, in four-hundred words you can get the basic details of the game story, but you miss the details and the anecdotes. It's interesting, and important, to know how the players and managers think, why they made certain decisions. That's the cool stuff, and it's getting lost."

The Web, meanwhile, did to sports writing what it has done to journalism more broadly: carved up the audience and exacerbated the more-faster-better mindset that cable TV began. Anyone can go to the Web anytime to get scores, rapid-fire articles about games, and gobs of analysis and statistics. There are generalized sports sites like ESPN.com and CNN.com, hyper-focused team news blogs, sites run by the athletes themselves, and irreverent sports sites such as Deadspin.

All this dramatically changed the job of the sports beat writer and columnist,

traditionally the bedrock of sports writing. Malcolm Moran, who is the Pennsylvania State University's Knight Chair in Sports Journalism and Society, says 2003 marked a sea change in sports writing. In April of that year, autigers.com, an Auburn University fan site, was flooded with posts about sightings of Mike Price, the head football coach at archrival Alabama, at a strip club in Pensacola, Florida. The scandal became a national story, and Price was fired. "We passed a threshold," says Moran, who spent his reporting career at *USA Today*, *The New York Times*, *Newsday*, and the *Chicago Tribune*. "The next nine-hundred and ninety-nine pieces of speculation on a fan site have to be checked out, and it could cost you your job if you miss one. It changed the business, and not for the better."

In addition to covering the games and the teams, beat writers now must chase blog-based rumors—and blog themselves. It's an untenable situation, and most reporters simply react to the daily torrent of news bites while the bigger stories and issues go wanting. Even columnists are producing more hackneyed items. The last Pulitzer for a sports column went to Jim Murray of the *Los Angeles Times*—in 1990. Mark Saxon, a beat writer for the *Orange County Register*, says today's sports journalism is good for hardcore fans and fantasy league players looking for an edge, but the quality of the coverage and the overall storytelling have suffered.

These issues came to a head last April when Buzz Bissinger, the author of *Friday Night Lights*, confronted Will Leitch, then the editor of Deadspin (now with *New York Magazine*), on HBO's *Costas Now*. Bissinger railed against blogs and taunted Leitch, brandishing a folder of vulgar blog posts and asking him if he had ever read the sports writer W. C. Heinz, who was Bissinger's symbol for a tradition of greatness. "I think blogs are dedicated to cruelty; they're dedicated to dishonesty; they're dedicated to speed," Bissinger said. After the show, Bissinger was ridiculed on the blogosphere and did an about-face, apologizing repeatedly and granting interviews to the blogs he had chastised.

I think Bissinger was on the right track but blaming the wrong medium.

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It is easy to criticize and stereotype bloggers, but most bloggers and their readers didn't grow up devouring the latest Red Smith column with their morning coffee. Sports fans under thirty spent their formative years watching shows like ESPN's *Around the Horn*, which features newspaper columnists shouting at each other like lunatics.

An interesting thing happened in the wake of the Bissinger-Leitch dustup: Deadspin and other blogs started interviewing older, celebrated sports writers, like Frank Deford. Check out the comments section on these long and fascinating Q&As—the young blog readers loved reading about these guys and seemed to enjoy their long-form narratives. In other words, readers of Deadspin appreciate great writing; it's the newspapers that have given up on it, feeling as though they have to chase rumors and deliver a ceaseless stream

of chicken-nugget news. In marketing parlance, sports sections have degraded their brand.

Yahoo has hired some ex-newspaper stars and done some good investigative stories. In other words, all is not lost. But here is a typical scenario that illustrates the problem for newspaper sports sections. Beat writers covering a baseball game see a player strain a hamstring. Immediately they are all on their BlackBerries posting an item about the injury and how the batting order was just changed. Something must be posted! Any writer who misses the tidbit will be called on it by his or her editor. But everyone has the same information; no one "scoops" anyone. So why not wait and weave that tidbit into the game story? The reporter would have the chance to go to the locker room and ask questions, talk to the manager about the change in strategy after the injury—to add context and nuance and narrative. These days, that sort of insight is too often lost. "If I were the editor," says ESPN's Buster Ol-

## The importance of sports to our culture is obvious; they are part of people's dreams, of how they define themselves.

ney, who also blogs, "I would say, 'Don't worry about beating the seven other papers on the hamstring story; focus on developing your thousand-word game story. Remember the great writing you loved as a kid? Write it up like that.'"

Like anything, this devolution of sports writing is complicated. People holding AARP cards tell me, "There are no more good sports writers." That's just not true. There are excellent writers out there: Buster Olney, Damon Hack, Gary Smith, John Feinstein, and Rick Reilly come immediately to mind, and there are others, some at smaller papers—Terry Pluto, a columnist for the Cleveland *Plain Dealer*, for example—working under the national radar. So far, the magazine industry hasn't suffered the same kind of economic devastation that has befallen newspapers, and *Sports Illustrated*, ESPN *The Magazine*, *Sporting News*, and *The New Yorker* still, on occasion, publish put-down-your-iPhone-and-read-these articles. SI and ESPN are publishing some nice narrative work in the magazine, and on the Web, particularly in The Bonus and E-Ticket sections.

Tim McGuire, a former editor and senior vice president of the Minneapolis *Star Tribune* who now teaches the business of journalism at Arizona State University, says newspaper management is showing a lack of leadership. "It's a mission problem. The reporters are doing too much, and they're confused about their mission," he says. "We're pouring the same news on people that they can get anywhere." What's needed, McGuire says, is for newspapers to play to their strengths. Make statistical information readily available on newspaper Web sites, of course, but it's time for narrative storytelling and vividly written game stories to make a comeback—because journalists know how to weave tales, put events in context, and act as intermediaries to the

firehose of information on the Web. Most bloggers don't have that skill or, more important, that mission.

I spent the last few years working on a biography of Red Grange, a football player who played in the 1920s. In my research, I studied a century's worth of sports writing, from W.C. Heinz and Red Smith to Hunter S. Thompson. As I read through yellowed newspapers, I encountered descriptive writing, clever word play, references to Shakespeare, the Bible, heroic couplets—and a wise eye toward human nature. I could see, smell, and hear these games. And when the stars played poorly, the writers didn't soften the language leaving their Underwoods. They were not glorified flaks, as they are now often portrayed. Thompson, for instance, would study game film with NFL players to better understand their athletic choices.

Sports journalism has had its failings—homerism, winking at behavior that should have been scrutinized, and turning a blind eye to racial inequality, to name a few. The biggest story of modern sports is performance-enhancing drugs, a story which has been subject to some uneven coverage. While there were whisperings in the press, and *Sports Illustrated* bravely highlighted the issue in 2002, I wonder if Major League Baseball's steroid scandal would have gotten past Grantland Rice, Westbrook Pegler, Heinz et al. My bet? Through their dogged reporting and descriptions of the players' ridiculously bulked-up frames, the juicing would have been exposed early on.

The sports section is called the "toy department" by those who think its mission is more fun than consequential. But go to any major sporting event and you'll see that the importance of sports to our culture is obvious; they are part of people's dreams, of how they define themselves. The sports pages used to hold the honor as one of the best-written and best-reported sections in a newspaper. It's important for sports, for newspapers, and for our society that they recapture that mantle. **CJR**

GARY ANDREW POOLE is the author of *The Galloping Ghost: Red Grange, An American Football Legend* (Houghton Mifflin). His work has appeared in *The New York Times*, *Time*, and other publications. His Web site is [www.garyandrewpoole.com](http://www.garyandrewpoole.com).

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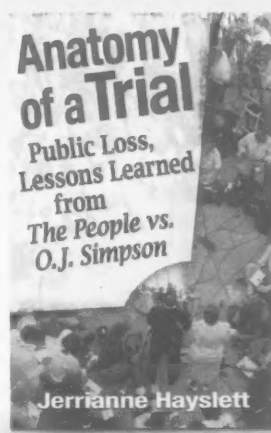
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## The Wikinews Ace

*Why Shimon Peres sat down with David Shankbone*

ONE MORNING IN DECEMBER 2007, A LAW-SCHOOL DROPOUT NAMED DAVID Shankbone sat on a couch in Shimon Peres's office in Jerusalem. He'd been invited into the Israeli president's inner sanctum for an exclusive interview with the elder statesman. Peres reclined on a velvet chair next to Shankbone, nibbling cookies while he talked in his soporific baritone about the future of nanotechnology, the likelihood of a first strike against Iran, and why Israeli youth turned to drugs. "He has a thick accent and he talks so low," Shankbone recalled. "I couldn't even understand him."

Shankbone had flown to Israel earlier that week for a press junket on Israeli technology, organized by the Israeli Foreign Ministry. Along with half a dozen reporters from news outlets like *BusinessWeek*, *USA Today*, and *Slate*, he'd been shepherded on a whirlwind tour of the country's tech industry. Before the trip, Shankbone had optimistically requested an interview with Peres, and was caught off-guard when, four days in, he found out one had been scheduled the following morning. "I flipped out," he said. Shankbone scrambled to assemble a set of questions. "I think the Shimon Peres interview is one of my worst interviews," he told me. "I felt like I had this responsibility to ask certain things... things he gets asked a million times. I wish it had been a much more philosophical interview. I would love to ask Shimon Peres how he would choose his own death."

The strange thing about this whole episode isn't that a little-known reporter landed an hour-long interview with Shimon Peres. It's that he isn't a professional journalist. Shankbone isn't even his real name. It's the nom de plume of David Miller, who until recently was a paralegal at Herrick, Feinstein, a top New York law firm. For the past year and a half, he's been moonlighting as a reporter for Wikinews, a Wikipedia offshoot that's languished in obscurity since its debut in 2004. Wikinews was created as the news equivalent of the encyclopedia: anybody can write and edit stories. It is an experiment in pure amateur journalism, and it functions a bit like a haphazard wire service. Most of the five to ten stories posted each day are cobbled together from mainstream sources; only two or three a week involve original reporting, the bulk of which is done by two dozen "Wikinewsies," like Miller, who are accredited through the site.

Miller is Wikinews' star reporter, and his niche is in-depth Q&As. He's interviewed nearly forty public and not-so-public figures, including the Reverend Al Sharpton, journalist Gay Talese, the editors of *The Onion*, and the owner of an S&M

dungeon. He posts the mostly unedited transcripts on the site, along with a photo of the subject and the occasional snippet of audio. "I just wanted people to talk to," the thirty-four-year-old told me over dinner at 7A, an all-night joint that's one of his favorite places to eat near his apartment in Manhattan's East Village. "I was curious about people who attained goals and how they felt about them."

Miller's journalistic sideline began in 2005 after he dropped out of Fordham Law School. He says he couldn't afford the tuition for his final year because he missed a few credit-card payments and didn't qualify for loans. His older sister gave him a low-end digital camera for his birthday (he's since upgraded), and he began snapping photos around the city, which he'd then upload to relevant Wikipedia articles that had no images.

It was around this time he created his pseudonym. "Miller" was too generic, he said, and not easy to track online. (Type "David Shankbone" into Google, and he's a top hit.) Miller liked the sound of "Shankbone" because of its masculine, slightly pornographic ring. The Israelis he met on his press junket thought it was Jewish, a reference to the beef shank bone used in Passover seders.

Eventually, Miller got tired of just taking photos. He'd always considered himself a writer—he wrote about the war in Iraq and the aftermath of Hurricane Katrina for a student news blog at Fordham—and when a volunteer Wikipedia editor suggested he check out the fledgling Wikinews, Miller decided to broaden his journalistic repertoire. He had already begun contacting minor public figures, such as First Amendment lawyer Floyd Abrams and BBC America's "Punk Professor" Vivien Goldman, offering to take free, quasi-professional portraits of them for Wikipedia. It seemed a natural step to interview them.

Miller put out dozens of cold calls. He called people like Donald Trump and Rosie O'Donnell because he considered them "cultural icons," and others because he found their line of work interesting. (He interviewed German-American folk singer Antje Duvekot, for instance, simply because he wanted to interview a folk singer, and she was



available.) Although Miller has managed interviews with a few high-profile subjects like Peres, he's relatively unknown outside the Wiki community. Some of his pieces have page views in the single digits.

Miller's interview style is conversational. His opening gambit is often arbitrary—for instance, he started his interview with Gay Talese by asking if it bothered him that his name has come to mean “homosexual.” (“No, it doesn't bother me at all,” Talese responded.) Miller will often talk about himself. He says it's soothing to share his experiences, particularly his sense of failure after dropping out of law school—and it seems to encourage his subjects to open up. “I'm telling you stuff I never said to anybody,” voice actor Billy West, who provided the voices for *Ren & Stimpy* and Bugs Bunny, told Miller after speaking about his alcoholism and being beaten by his father. Miller doesn't play “gotcha,” but he does ask unusual questions and will push a bit—but not too much. “If I'm being combative, they can just end it on me,” he said. He once allowed Senator Sam Brownback to assert but not support his claim that God has a problem with homosexuality. “To really pin Brownback down,” Miller told me, “that's a job for Chris Matthews.”

Not that Miller asks only softball questions. Here's an exchange from his interview with Ingrid Newkirk, the co-founder and president of PETA:

David Shankbone: Do you have any regrets?

Ingrid Newkirk: Professionally? Because that's what we are talking about....

DS: Or personally.

IN: I'm not going to talk about personally!

DS: Just in general—in your life.

IN: These are just terrible questions!

DS: Sometimes terrible questions birth wonderful answers.

IN: Oh, pwah!

At their best, his interviews can make for juicy, revealing reads. Take this example from his interview with gay author Edmund White:

David Shankbone: You have an open relationship?

Edmund White: Yes.

DS: Do you think that's a necessity in order to have a successful relationship?

EW: I wouldn't preach for anybody else; I mean, everybody's different. But for me, yes.

DS: Where do you tend to find your sexual partners?

EW: Online, now. Silverdaddies.com; daddyhunt. That's where you go if you're older. Or Manhunt and gay.com. Or slavesformaster. Those are all sites where I've met people.

DS: Are you a slave or a master?

EW: A slave, but I'm not much of one.

Miller is no provocateur or interrogator like Oriana Fallaci, who opened an interview with Yasir Arafat by asking him his age, twice, and who once asked the Shah of Iran if he would have thrown her in jail had she been Iranian. Miller prefers Terry Gross or James Lipton and cites them as influences. He wants to indulge his subjects, and delve into their personalities. He can be gentle and accommodating. He wants them to talk about their ideas and their craft. He typically tells a subject, “We don't have an angle. It's more of an information thing, just to get your thoughts and feelings.”

Miller told me he usually doesn't do much research on his subjects. He credits his general knowledge for getting him through many interviews. Sometimes he'll just read his subject's Wikipedia profile to prepare. Still, he says, “I try to come off as someone completely knowledgeable.” He reads *The Economist* and checks Google News reflexively at work. He has e-mail alerts for keywords related to his idiosyncratic interests: rocker “Peter Doherty,” “Chinese credit,” and “world economy 2016” (interestingly, he told me early last year that he was convinced there will be a global economic collapse in eight years).

Miller can offer his subjects something the mainstream media often can't: a chance to archive their words in the eternal Wiki-vault. Miller's association with Wikipedia appealed to the Israeli Foreign Ministry, and one of Israel's leading papers, *Yedioth Aharonoth*, lauded Shimon Peres for being the first leader to grant an interview to someone it described as a “senior” Wikipedia editor. Miller has other ad-

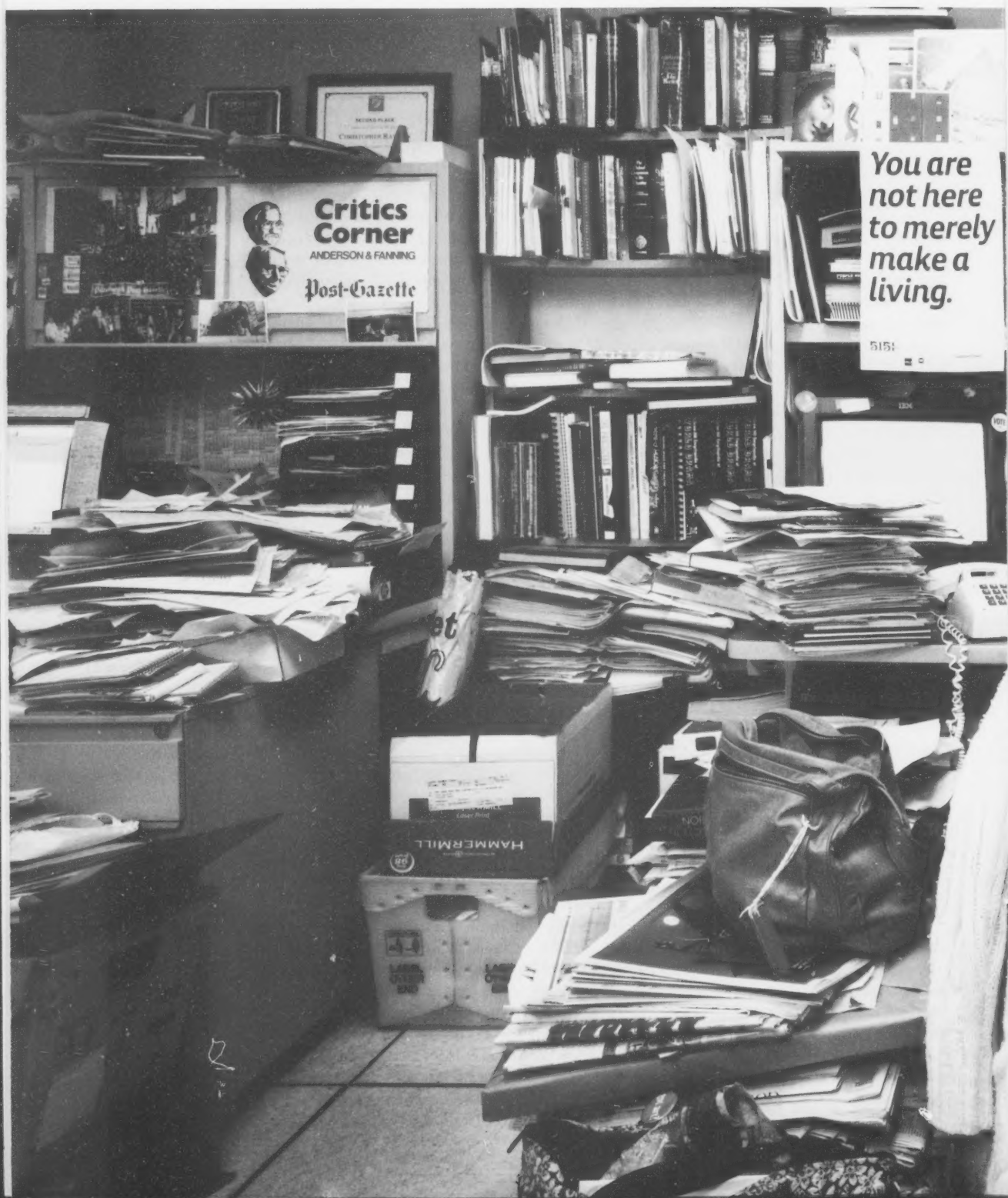
vantages: he has no professional duty to the public as surrogate or watchdog, and he isn't trying to sell a product. He also doesn't have an editor to contend with. This freedom can give his interviews, at their best, a disarming authenticity. They're unpolished and earnest, if sometimes rambling. Miller tends to think of his work more as a personal art project than journalism. He may share a sense of curiosity with many professionals, but he doesn't identify with them. In fact, he views the mainstream press with a bit of contempt. “The whole neutral media thing is just crap,” he told me during a short tirade. But he certainly doesn't consider his work a substitute. “Someone who sits there and blogs about something will never replace a professional class,” he said.

When I asked Gay Talese what it was like to be interviewed by Miller, he told me Miller was polite and professional, but not distinguished in any way. Memoirist Augusten Burroughs, whom Miller also interviewed, praised him in an e-mail: “He has the mind of a lawyer. Which is to say, he's extremely logical.”

In person, Miller possesses the self-assurance of a prosecutor and the practiced nonchalance of an arriviste. He dropped names as though he had a tick, and made it sound like he was chummy with many of his subjects. Maybe it's true: on a blog he started this summer, he mentions that Ingrid Newkirk sent him a box of vegan food.

Miller's work feels like a bit of a throwback to a time when Oriana Fallaci published long transcripts of her interviews in book form and David Frost broadcast a six-hour sit-down with Richard Nixon. Not that Miller is in their league as an interviewer, but there is something refreshing about the oral-history-like nature of his work. Bite-sized clips of recycled talking points dominate today's media, but Miller strives in his interviews, however imperfectly, to be transparent and complete. He lets the subject's voice come through. He gives the public his raw materials. He's a conduit, without straining to be something more. **CJR**

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**Pittsburgh Post-Gazette**  
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October 31, 2008



# Shadow & Light

There are many reasons why the U.S. economy is in such staggering trouble. One is that some of the maneuvers that put us at risk were largely invisible to journalists and citizens alike. They were essentially unregulated and so took place behind a veil. Few realized there was a problem until it became all too obvious. And when the government began its series of big-dollar remedies, it wanted to keep much of the flow of those rivers of money out of sight as well. This is exactly the wrong instinct. The taxpayers have a right to know.

But it's more than that. Transparency doesn't merely offer citizens access to information; it changes the relationship between the government and the governed.

In this issue, we examine the struggle for government transparency from several angles:

- Clint Hendler X-rays the rise of secrecy in the Bush years, and weighs how difficult it will be for Barack Obama to keep his promise to turn the lights back on in the White House.
- Laura Rozen measures what those years did to national-security reporting—and to national-security reporters.
- Martha M. Hamilton finds journalistic lessons in the economic meltdown, including lessons about financial regulation and transparency.
- Ralph Frammolino explains how India got its first open-records law, and how that law is changing lives.
- Micah L. Sifry looks at how the Web is already accelerating government transparency, and envisions a brighter and more open future.

A broad and deep opening of government records will help journalists, of course, but more to the point, it will do what good journalism also does—build a stronger democracy.

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This special package, along with additional material on the issue of government transparency, will be posted online at [cjr.org](http://cjr.org) over the next several weeks.







# What We Didn't Know Has Hurt Us

*The Bush administration was pathological about secrecy.  
Here's what needs to be undone after  
eight dark years—and why it won't be easy.*

BY CLINT HENDLER

Advocates for open and transparent government are quick to note that no American presidential administration has, in practice, been enthusiastic about reducing secrecy in the executive branch—for some obvious and sometimes quite legitimate reasons. There are secrets that almost everyone agrees should remain secret. But secrecy must be balanced with the citizens' right to examine the operations of their government—to learn, to improve,

to enforce, and sometimes to shame. That's especially true when there are political or bureaucratic incentives for secrecy that deserve far less respect than true matters of national security. And despite the bipartisan resistance from those in power, the arc of history has trended, if unevenly, toward openness. Claims of excessive secrecy have become a tried and true political battering ram, easily wielded by the party in opposition. Technological evolution has not only made the dissemination of information easier and faster, but also has heightened our appetite for disclosure. The trend isn't confined to the political sphere. Betty Ford's frank discussion of her struggles with cancer and alcoholism in the 1970s marked a new era of openness in our personal medical lives, and the invention of the personal video camera spawned a cottage industry around moments—gaffes, goofs, tragedies—that were once private.

Against that backdrop, there is wide agreement among jour-

nalists and openness advocates that the administration of George W. Bush was an aberration, at least in the modern era. Bush and his advisers came into office with a broad vision for a more powerful, less accountable executive branch—a vision that has long been popular in conservative legal circles. Presidential power ebbed after Watergate, when some of the strongest laws promoting transparency were adopted by Congress, reducing the executive branch's ability to do its work in secret. Even before the terrorist attacks of September 11, 2001, the Bush administration—and especially Dick Cheney, who assumed unprecedented power as vice president—enacted policies and waged court battles to roll back what they saw as unjustified infringements on presidential power, and to reduce the oversight and transparency that had been forced upon the presidency.

Then, just eight months into Bush's first term, September 11 gave the administration what became its defining rationale for a draconian clampdown on the free flow of government information to the public. Presidents traditionally act with the freest hand in matters of national security and, following the attacks, secrecy became both a means to an end and a goal in itself. Information on transportation and energy infrastructure, once easily accessible on government Web sites, was removed. The Justice Department invoked a state-secrets privilege in an extraordinarily wide range of cases. The administration and its conservative allies waged a rhetorical war on journalists who worked to learn and disclose the government's secrets. Legal

justifications for the administration's detainee and warrantless wiretapping policies remain shrouded in secrecy today.

Legally, some of the administration's greatest incursions against transparency were made with remarkable ease, only requiring executive orders or directional memos from senior White House staff—a fact that should hearten open-government advocates who are optimistic about the potential of Barack Obama's administration to redress these grievances. To take but one example, though it is one especially dear to journalists, much of the damage done to the Freedom of Information Act under Bush could be undone with the stroke of a pen, and Obama, in the campaign and the transition, has suggested he'll do just that. Other changes abetting excessive secrecy that resulted from court rulings or emerged from bureaucratic traditions are far more entrenched, and will not afford easy or quick fixes. Indeed, the struggle between openness and secrecy will continue in the coming years.

ONE RULING THAT WILL BE HARD TO REVERSE HAS ROOTS reaching back before 9/11. In February 2001, shortly after Bush's inauguration, Vice President Cheney formed a task force to help develop a new energy policy. Even before the policy was announced that May, environmental groups worried that the policy proposals would tilt heavily toward industry concerns. At the request of two Democratic members of Congress, what was then known as the General Accounting Office (now the Government Accountability Office), a non-partisan investigative arm of Congress, asked Cheney for basic information on the task force—who it met with, where and when, and for minutes and other records of its work. Cheney, through his counsel David Addington, denied the request, claiming that the GAO did not have the authority to request the documents, despite a history of previous administrations responding to similar requests.

That year, Judicial Watch, the Natural Resources Defense Council, and the Sierra Club filed two suits seeking the same records, one under the Freedom of Information Act and another under the Federal Advisory Committee Act (FACA), a 1972 law requiring that materials generated by public-private advisory committees be available for general inspection. After a nearly four-year-long court battle that included a stop at the U.S. Supreme Court, federal courts upheld Cheney's right to withhold the records and also denied the groups' challenge under the Advisory Committee law.

The environmental groups ultimately secured most of the documents by a circuitous route—from the Energy Department through Freedom of Information Act requests. But the case was considered a major blow to the Advisory Committee Act, which had already had its reach trimmed by a series of rulings that culminated in the Cheney decision. "It's just been shredded," says David Vladeck, a veteran public-interest lawyer who teaches at Georgetown. "Read the statute and you'd think one thing; and you read the way the courts have interpreted it, and it's no longer an effective safeguard."

In hindsight, it's easy to see how the task-force battle was a deliberate attempt to expand the executive branch's ability to operate in secret, rather than a simple political tussle over energy policy in the wake of Enron's collapse. As Bruce Montgomery, an archivist at the University of Colorado at Boulder who has written widely on presidential materials, wrote, "The case marks one of the Bush administration's most significant victories not only in reasserting the prerogatives of the presidency, but also in cloaking the executive in greater secrecy."

President Obama, in the course of his election campaign, promised that as many meetings "as possible" between federal agencies and lobbyists would be available as Web videos. But he's had little specific

to say on FACA, or how his administration might treat advisory commissions with private members who don't happen to be federally registered lobbyists.

Another major setback for the interests of openness, and again one with roots that clearly reach to a time before 9/11, was Bush's executive order concerning the Presidential Records Act, passed in 1978 to ensure public control over the records presidents create while in office. (So enshrined was the principle of private ownership before the Records Act was adopted, that past presidents sometimes destroyed their papers or willed them to their heirs, who were free to sell them for a profit.) Presidents from both parties have been, to varying degrees, unenthusiastic about the law, and it has suffered from a string of court challenges and executive orders restricting its authority. The Clinton administration, for example, continued a legal effort initiated by George H. W. Bush to limit the disclosure of Bush's records. It lost that battle in 1995, in a decision that seemed to clearly state that ex-presidents surrendered control of their administration's records twelve years after they left office.

When George W. Bush took office twelve years after the end of Reagan's presidency, however, White House Counsel Alberto Gonzales sent the national archivist a note instructing him that the new president wished to delay the release of any Reagan files. The closing line? "This directive applies as well to the Vice Presidential records of former Vice President George H. W. Bush." Then, in November 2001, the administration issued a new executive order that declared that records from prior administrations would not be released unless the sitting president expressly approved it. But that order went even further: endowing past presidents with the power to

keep their documents from being released even after the twelve-year threshold. Vice presidents, too—a category that included Bush's father at the date of the order and now includes Dick Cheney—were given the authority to hold their records. As if that weren't hubristic enough, Bush's order allowed past presidents and vice presidents—or *their heirs*—to pass on their withholding privileges to representatives in perpetuity. "It was essentially overturning the Presidential Records Act," says Thomas S. Blanton, the director of the National Security Archive, an independent research institute at George Washington University. Obama has promised to nullify the Bush order, which he could do with a simple executive order.

The National Security Archive and a coalition of sixty organizations that work on transparency and openness issues have proposed another executive order that Obama could issue early in his term—one that would create a task force to determine how to rein in the worst excesses in the information-classification system, the federal government's primary tool for



A SUNSHINE TIMELINE

1267

Henry III passes the Statute of Marlborough, a set of laws that codified the principles of English Common Law and has provided part of the legal basis for public court proceedings and records in the U.K. and the U.S. ever since.

official secrecy. Over many years, a perennial series of blue-ribbon commissions has suggested that over-classification is a serious problem in the federal government, not only for the public's historical interest but also for data-sharing among agencies. For one, the 9/11 Commission warned that such "secrecy stifles oversight, accountability, and information-sharing." Former congressman Lee Hamilton, who was vice-chairman of the commission, estimated that about 70 percent of the information he viewed was "needlessly classified"—a shockingly high portion given the sorts of records the commission needed to do its work.

Officially, federal law only describes three levels of classification: "top secret," "secret," and "confidential." The process is statutorily overseen by the Information Security Oversight Office at the National Archives, which collects data on the quantity of classified information, monitors agencies' compliance with classification rules, and handles appeals of classification decisions. A limited number of agencies and individuals are authorized to classify material, and while there are widely used provisions for exemptions and extensions, classified information is supposed to be automatically declassified after ten years.

The amount of classified information, and the number of people authorized to deem it classified, have been expanding since 2000. The departments of Agriculture, Health and Human Services, and the Environmental Protection Agency, for example, were authorized to classify for the first time early in the Bush administration. In 2007, the most recent year for which records are available, a report by the Information Security Oversight Office (ISOO) catalogued more than twenty-three million classification actions government-wide; in 2000, the number was just over eleven million, although some of this increase can surely be attributed to the growth of digital communication.

In 2003, classification's durability and reach were extended by another Bush executive order that mandated a three-year moratorium on many automatic declassifications, allowed the CIA director to overrule declassification decisions made by the Oversight Office, and expanded classification for information provided by foreign governments—a category that could include such historical treasure troves as diplomatic cables and the like. It also made it easier for agencies to reclassify information that they had previously declassified, as long as there was some plausible way to retrieve the documents from the public realm.

In one incident that illustrates the reach of this order, federal agents removed documents from the personal papers of the late Senator Scoop Jackson, housed at the University of Washington. Far more troubling was the revelation in 2006 that more than twenty-five thousand documents had been

pulled from the stacks at the National Archives and Records Administration, which are open to the public. Matthew Aid, a part-time historian who first noted the disappeared documents, catalogued a bizarre list of what had gone missing: cables documenting a widely known intelligence failure from the Korean War; a 1948 message chastising the State Department for not predicting riots in Bogotá; talking points on how to handle questions about Japanese peace offers before the end of World War II; etcetera. Archive officials conducted an audit and determined that a third of the documents that had been pulled were not eligible to be reclassified, even under the new Bush standards.

Alongside the official classification system exists a murky system sometimes called "pseudo-secrecy." More formally known as "sensitive but unclassified" or "controlled unclassified" information, it functions with little regulation, monitoring, or clear force of law. Attempts to fully measure the use of this category are frustrated by the fact that there is no single definition for what qualifies as sensitive-but-unclassified (SBU) information.

Concerns about sensitive-but-unclassified information date back at least to 1972, when a House committee held hearings deploring the ways that similar labels were being used to keep information from coming to light under the Freedom of Information Act, which carries an exemption for properly classified documents. Explicit presidential support for such pseudo-secret labeling dates to a 1977 presidential directive on telecommunications technology by Jimmy Carter, and it has been used in every subsequent administration.

In 2007, a Defense Department official charged with improving interagency information sharing estimated that there were 107 different labels in the category—from "Official Use Only" to "Sensitive Internal Use"—and none is monitored by the Oversight Office, which means that there are no official numbers to describe the trend. But openness advocates and some journalists have suggested that the Bush administration has significantly expanded both the number of such labels and the volume of documents being labeled. For example, in April 2002, officials at the Department of the Interior instructed their employees that "all unclassified DOI systems" should be "considered SBU." The 2002 law authorizing the creation of the Department of Homeland Security specifically said that all scientific research produced by the department, wherever possible, should be unclassified, but President Bush used a signing statement, which spells out how the executive branch will interpret and implement a law, to make clear that he intended to mark much of that information as sensitive. In 2006, when the National Security Archive conducted a study, via FOIA, of the use of sensitive-but-unclassified labels at thirty-seven



#### A SUNSHINE TIMELINE

## 1766

Sweden adopts the first freedom of information law. Officials were engaged by the Enlightenment idea that unequal access to information produces an unequal society, but were driven more directly by angry merchants fighting government corruption in the awarding of pine-tar licenses.



major government agencies, it found that roughly two-thirds of the SBU programs were operating without any statutory justification. Only one program had an automatic procedure for removing the designation, as is required by law with classified information. According to Barton Gellman, a reporter with *The Washington Post*, Vice President Cheney's office routinely took to stamping papers with "Treated As: Top Secret/SCI," a designation some classification experts believe Cheney invented. "At least with classification, you have ISOO overseeing what gets classified and what doesn't get classified, keeping track of how much is classified," says Rebecca Carr, who covered access and First Amendment issues for Cox Newspapers from January 2005 to May 2008. "The pseudo-classification category is like the Wild West. There's nobody watching the store."

THE ADMINISTRATION'S SECRECY-RELATED POLICY THAT most alarmed the journalism community was a memo issued by Attorney General John Ashcroft a month after the 9/11 attacks. The memo suggested that information officers at executive-branch agencies could deny FOIA requests as long as there was a "sound legal basis" for doing so. This represented a fairly regressive shift. Under the Clinton administration, requests were only to be denied if there was "foreseeable harm" in releasing the documents. Ashcroft's memo sent a clear signal that information officers should feel free to expansively deploy FOIA's nine exemptions to deny whatever requests they could. And the letter assured agencies that they would have the full backing of the Justice Department in fighting any lawsuits that resulted from such denials.

In 2002, the National Security Archive sought to clarify what effect the Ashcroft memo had on FOIA compliance and sent FOIA requests to thirty-five major agencies asking for documents that would illuminate how they'd handled Ashcroft's new directive. The responses confirmed that most branches of the armed forces and the Nuclear Regulatory Commission had taken strong steps to expand the use of exemptions; that about a quarter of the agencies surveyed had taken some steps to implement the changes; and that just over half had disseminated the policy to their employees. A GAO study that interviewed 183 FOIA officers at twenty-five agencies found that 31 percent said their agencies were less likely to release documents sought by FOIA requests following the memo.

Whatever the practical effects of the Ashcroft memo in the early days of the administration, to the open-government community the memo had great symbolic importance, especially when it was combined with a separate memo issued in the spring of 2002 by Andrew Card, Bush's chief of staff. The Card memo requested that agencies take, for obvious reasons, special care in disclosing any information related to weapons of mass destruction, and encouraged information officers to use the nooks and crannies of existing law and executive orders to limit the release of classified information that was scheduled to be declassified due to its age.

But Card's memo did not stop at classified information. It also invoked sensitive-but-unclassified information, which has no specific legal recognition under FOIA's exemptions.

The memo suggested that information officers assess any requests for such information in light of the earlier Ashcroft memo. In other words, if information officers could shoehorn sensitive-but-unclassified information under one of the existing exemptions in the FOIA law, they could deny its release. Together, the two memos provided a legal framework for denying access to sensitive-but-unclassified information of any kind. "It really turned the concept of open government on its head," says Andy Alexander, who was the Cox Newspapers Washington bureau chief for ten years and serves as co-chair of the American Society of Newspaper Editors' Freedom of Information committee.

The Freedom of Information Act, adopted in 1966, is in many ways the lodestar of the open-government movement. Its premise is simple enough: that the work product of government is the property of its citizens. The history of the act's implementation, however, shows how law in practice can be quite different from law as written. Anyone who has used the FOIA law knows that the mandated twenty-day window for an official response is a cruel joke. The National Security Archive periodically conducts audits—via FOIA—asking agencies for their oldest outstanding FOIA requests. In 2007, it found a handful of requests across five agencies that were more than fifteen years old. One had been outstanding for twenty years, or roughly half the life of the law itself. These superannuated requests are the exception, but that doesn't mean the norm is compliance.

These problems predate the Bush administration, but there's little doubt that they've grown over the last eight years. A 2007 study of the FOIA records of twenty-five agencies by the Coalition of Journalists for Open Government discovered a number of disheartening truths. The data suggested that many agencies took longer to respond to requests in 2006 than they had in 2000, and that at least half of the requests at fourteen agencies received a response after the twenty-day window the law requires. In 2006, only 60 percent of FOIA requests processed netted a full or partial response; only 36 percent netted a full response. Both were the lowest numbers since 1998, when the relevant data first were collected. Given that trend, it's not surprising that the overall number of FOIA requests at these agencies also fell by 25 percent since 1998. "A lot of young reporters, especially, know that there's something called the Freedom of Information Act, but that's pretty much the extent of their knowledge," says James McLaughlin, an associate counsel at *The Washington Post*. "Often, reporters file FOIA requests and if they get anything, then the feeling is 'Wow, I got something; that's really cool.' And if they get it seven months later, they're still happy. The expectation is not that this is your statutory right. The expectation is that it's a bonus."

Despite this woeful picture, FOIA remains one of investigative journalism's most-favored tools, especially when it can be paired with lawsuits to shake loose information. Journalism's emotional attachment to FOIA might have something to do with the industry's intimate history with the passage of the act. In the 1950s and early 1960s, a coalition of journalists that included *Washington Post* executive editor J. Russell Wiggins and Clark Mollenhoff, a Pulitzer Prize-winning investigative

reporter for *The Des Moines Register*, worked closely with the act's congressional sponsor, rallying public support, writing editorials, and even lobbying public officials to ensure first its passage, and then that Lyndon Johnson signed it.

Journalistic norms of objectivity usually forbid advocacy. But freedom of information is an issue for which exceptions have been made. So when some forty years after its passage FOIA seemed threatened, journalists again devised ways to systematically address the relevant issues of openness and transparency in the federal government. Sunshine Week, launched in 2005 by the American Society of Newspaper Editors, was the first major effort by the journalism community to counter the encroachments on openness in the early days of the Bush administration. The goal was, and remains, to spur a national conversation about access issues via a week of news coverage; in 2008, Sunshine Week had about a thousand participants, including radio, television, and Internet outlets.

But there still was no coordinated effort by the various strands of the journalism industry to address openness issues. Protest petitions circulated frequently, and some press associations mixed transparency advocacy with more parochial concerns like postage rates. "It wasn't sufficient," says Rick Blum, a former director of OpenTheGovernment.org, a coalition of groups interested in governmental transparency. "There was a moment when the press-freedom groups and the freedom-of-information groups said, 'We're going to get clobbered if we don't start cooperating.'"

In June 2003, media and advocacy groups met in Washington. Pete Weitzel, who as managing editor of *The Miami Herald* had organized Florida newspapers to lobby the state legislature on access issues and defend access rights won in court, proposed an analogous national organization. With that goal in mind, and a grant from the Knight Foundation, the Coalition of Journalists for Open Government was founded. Made up of about thirty press associations, large and small, the coalition sponsored sign-on letters protesting encroachments against openness and commissioned several detailed research projects to examine the damage done to transparency under Bush.

The coalition spurred the major industry associations—representing newspaper editors, publishers, alt-weeklies, and broadcasters—to come together with The Associated Press in 2005 to form their own outfit, the Sunshine in Government Initiative. As the coalition's grant winds down, the Sunshine Initiative has emerged as the preeminent press voice in Washington on open-government issues, complete with its own lobbyist and an active and regular presence on Capitol Hill.

The timing of the Sunshine Initiative was fortuitous, as over the course of the next year the press would face some of its greatest challenges of the Bush era. Several high-profile stories—especially *The Washington Post's* piece on secret CIA prisons, *The New York Times's* exposé of the National Security Agency's warrantless wiretapping, and a series of reports in *The New York Times*, the *Los Angeles Times*, and *The Wall Street Journal* on government monitoring of international financial transactions—raised hackles in the Bush White

House. "Those stories really fueled congressional criticism of the press and reporting of unauthorized disclosures of classified information," says Blum, now the director of the Sunshine Initiative. "And we were spending a lot of time defensively trying to ensure that Congress did not pass new, overly broad revisions to the antispying-espionage laws."

It was a trying time. In May 2006, Attorney General Alberto Gonzales hinted to ABC News that prosecutions were possible for journalists who disclosed classified information. That summer, seventy-one congressional representatives asked the Speaker of the House to strip *The New York Times* of its press credentials in retaliation for reporting on surveillance programs. Others wanted to go beyond the symbolic and pass new laws restricting publication or making prosecution easier. SGI's members took to Capitol Hill, meeting with legislators and offering testimony. They credit this educational effort with helping to forestall legislation that would have upset the delicate legal balance that has governed reporting on national security for decades and made it harder for the press to report and publish important stories.

A lot of the Sunshine Initiative's battles have, in fact, been defensive, but the group has been able to play offense on FOIA, as well. It worked with senators John Cornyn and Patrick Leahy, as well as many others in Congress, to help pass a bill creating an independent ombudsman for the act that could help referee long-delayed requests and improve the monitoring of FOIA compliance government-wide. Bush signed it in on New Year's Eve 2007, but in the following year's budget, he inserted language in a section dealing with Commerce Department appropriations that would move the FOIA ombudsman's office from the National Archives, where it was authorized by the bill's plain language, to the Justice Department. Since that's the very department charged with defending the government's FOIA decisions, it seemed designed to neuter the ombudsman. The Sunshine Initiative, and many others, have called on Barack Obama to move the ombudsman back to the National Archives; it is part of a four-point agenda on transparency that the Initiative put together for the new president—whether he wants it or not. Similar white papers are circulating in Washington from the broader transparency community.

There are signs that Obama could be an ally. He hit most of the right notes during his campaign, and his transition Web site suggests that there will be an executive order to roll back Bush's changes to the Presidential Records Act. It also promises greater disclosure of the sort of public-private communications that Cheney fought so hard to keep secret. The mood is cautiously optimistic, but many of the veterans of the transparency movement aren't about to let their guard down. "As we look ahead to the Obama administration," says the ASNE's Andy Alexander. "I've been in a few meetings where people almost say, 'Happy days are here again.' And I have to caution them and say, 'You know, let's wait and see.' No one likes being overseen." **CJR**

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CLINT HENDLER is a staff writer for the Columbia Journalism Review. Thanks to the Fund for Investigative Journalism for its support for this article.

# Hung Out to Dry

*The national-security press dug up the dirt,  
but Congress wilted*

BY LAURA ROZEN

In November and December 2005, *The Washington Post* and *The New York Times* published two groundbreaking national-security stories that revealed controversial and possibly illegal behavior by the Bush administration in its conduct of the “war on terror.” In November 2005, the *Post* published Dana Priest’s piece about a previously undisclosed, CIA-run, overseas prison network for off-the-books terror suspects where “enhanced interrogation

techniques,” including waterboarding, were employed. Six weeks later, in December 2005, the *Times* ran James Risen and Eric Lichtblau’s story on the Bush administration’s secret authorization of the National Security Agency to monitor some domestic-to-international telephone and electronic communications and mine communications transactional data without a court warrant. Both stories received the Pulitzer Prize. Both stories were decried by the Bush White House as irresponsible and even unpatriotic for revealing sensitive government programs whose exposure, it said, would compromise the government’s ability to fight terrorism. And both stories prompted expressions of concern about the policies from some members of Congress, giving rise to the expectation that, as in the past, the revelations of controversial and possibly illegal government programs would lead to congressional investigations and a public accounting.

But that didn’t happen.

Congress did not hold extensive public hearings on the black-site prisons, torture, or the domestic-spying program. Instead, there was a smattering of public hearings, some closed hearings, extensive stonewalling by Bush officials of Congress’s requests for documents and administration testimony on the legal decisions authorizing the programs, and vows from the administration to hunt down the journalists’ sources for the stories. “Compare the current situation to the famous front-page story in 1974 on domestic surveillance,” notes Steven Aftergood, a government-secrecy expert at the Federation of American Scientists. “It led to the establishment of the Church committee, a classic in-depth investigation. By contrast, the *Times*’s NSA article has led to lawsuits that have been stymied by claims of state secrets and congressional steps to grant immunity to industry participants. Meantime, many of the most basic questions about the surveillance program have gone unanswered: How broad was the surveillance? What number of U.S. citizens were swept up in it? What has been done with the information gathered?”

Ultimately, Congress caved, sanctioning slightly modified versions of the domestic-surveillance program and passing laws that effectively preserved the administration’s right to have the CIA employ harsh interrogation techniques that are prohibited under international law. While there were a few fulminations on some liberal blogs that congressional Democrats (including then-Senator Barack Obama) had voted with the majority of Republicans to pass the new foreign intelligence surveillance law that gave retroactive immunity to the telecommunication companies, by and large the public didn’t seem terribly interested in the issue. For the majority of Americans, the issues of government-authorized torture and domestic spying seemed to fall off the radar, and it was hard not to sense that the Democrats, ever afraid of being portrayed by the White House as soft on terrorism, were just as relieved as the Republicans to see the issues go away.

But it didn’t go away for everybody, not least for the reporters who broke the stories and for many of their sources and contacts. The Bush administration has left in its wake a demoralized national-security press corps, battered by leak investigations, subpoena-happy prosecutors, and a shift in the legal and wider culture away from the previous understanding of journalism’s mission and First Amendment protections. A 2007 study by The Reporters Committee for the

Freedom of the Press found a five-fold increase since 2001 in subpoenas seeking information on a media outlet's confidential sources.

While the NSA and black-site stories exposed previously unknown Bush administration policies that some observers believe could be illegal and unconstitutional, the administration, in highly coordinated campaigns, tried to turn the onus of the revelations on its head, accusing the newspapers that exposed the information of treachery. "There can be no excuse for anyone entrusted with vital intelligence to leak it, and no excuse for any newspaper to print it," Bush said in St. Louis on June 28, 2006. That same week, at a fundraiser in Nebraska, Vice President Dick Cheney said: "Some in the press, in particular *The New York Times*, have made the job of defending against further terrorist attacks more difficult by insisting on publishing detailed information about vital national-security programs."

The *Times*'s Risen, in particular, is still haunted by an investigation that has been turned upside down and in whose crosshairs he now finds himself. In January 2008, Risen received a federal subpoena, issued by a grand jury in Alexandria, Virginia, which demanded that he testify about the identities of his confidential sources for a chapter in his 2006 book, *State of War*. Though the chapter for which Risen was subpoenaed described a botched CIA operation designed to foil Iran's nuclear program—information that never appeared in the *Times*—Risen's book also contained the information about the NSA's warrantless surveillance program that he and Lichtblau had reported but that the *Times* had sat on for more than a year at the administration's request. Risen's decision to publish the information in his book was a prime impetus for the *Times*'s decision to revisit the issue and ultimately publish the domestic-snooping information in December 2005.

Risen has said he will resist the subpoena, even if he has to go to jail. And though he has some of his profession's highest achievements to show for his work—the aforementioned Pulitzer and several nonfiction books on intelligence matters—they have done little to ward off the sense of anxiety and anger over his Kafkaesque predicament: "I do think one of the great ironies is that I may be the only one who goes to jail out of all this," Risen said in May, "while Congress is trying to give immunity to the telephone companies."

Even before the subpoena was delivered to his lawyers this past January, some of Risen's contacts were being subpoenaed to appear before the same grand jury. "The intimidation begins with the document itself," says one Risen contact, who was subpoenaed and who asked to remain anonymous. "You are commanded to appear—that will get your attention. It's delivered by a couple FBI guys."

The leak investigations, concern about

government scrutiny of them and their contacts, partisan attacks on their ethics and patriotism, and hours huddled with lawyers have taken a toll on reporters. "It is certainly something you worry about every day," says Lichtblau, who covers the Justice Department for the *Times*. "It has an effect on how you do the job, an effect on the people you talk to." In his book *Bush's Law: The Remaking of American Justice*, Lichtblau amplifies this point with a story of a very close friend who worked in the government. After Lichtblau's domestic-spying piece and a subsequent, related piece on the SWIFT banking-transaction network appeared, his friend's bosses "told him that he would either have to end his friendship with me, or leave the government," Lichtblau says.

"It's a witch hunt," Risen says. "They are trying to shut us down. It's the most secretive administration in modern history."

Perhaps nothing is more demoralizing, though, than the sense that journalism's most groundbreaking investigations did not yield the kind of public accountability, congressional investigations, and reform that past eras have seen—that the system of democratic checks and balances, of which the press is only one part, is broken. Most of the abuses of the last eight years were pursued and exposed not by Congress, but by the press. "I have found that the stories which most anger and haunt journalists are not necessarily the ones with the most violence," says Bruce Shapiro, the executive director of the Dart Center for Journalism & Trauma. "They are the stories in which we felt our intervention to have accomplished nothing. What's really striking with the Risen story is precisely that sense of powerlessness: they committed this great act of journalism, and broke a story of a violation of federal law that

raises fundamental questions about abuses of power in our society. And then the great institutions of society don't respond, but instead turn around and say, 'Fuck you.' That is a huge invalidation of all the work, and further betrayal of our sense as journalists of what's right."

The system did not work, and is still not working. When the stories on black-site prisons and domestic wiretapping broke in late 2005, the Democrats were still a minority in Congress, and Republicans largely protected the administration from scrutiny. But even after the Democrats won majorities in the House and Senate in the 2006 midterm elections, their interest in high-profile investigations of controversial administration behavior on the national-security front remained muted. Part of the explanation, says Dana Priest, who wrote the *Post*'s CIA-prison story, is that the information in her piece and the *Times*'s NSA report is "all classified. For an informed member of Congress, if they had a secret briefing and read my story, they are still hamstrung from discussing it, because they had the secret briefing."



#### A SUNSHINE TIMELINE

## 1889

*Burton v. Tuite* is one of a series of nineteenth-century state-court rulings (this one in Michigan) in suits brought by insurance-title companies that opened certain government financial records to the public.



But past instances of journalistic revelation of secret government programs also involved sensitive or classified information—the Pentagon Papers, for instance, or the story in the 1970s about how the federal government was engaged in domestic spying, which led to the Church committee hearings in 1975 and the passage of the Foreign Intelligence Surveillance Act requiring court warrants for domestic surveillance. So what's different today? Why is fear of discussing press accounts of classified programs, even among powerful members of Congress, seemingly greater now than in past eras? "What's different now is that they are still partly worried about looking soft on Al Qaeda," Priest says. "Al Qaeda got put in such a bogeyman box. And everybody is afraid they could be accused of being soft on terrorism. That is the death knell for people."

This fear factor has been central to the Bush administration's post-9/11 strategy on any number of fronts, but arguably none more so than in its efforts at secrecy. All administrations want to keep some information secret, Seymour Hersh, the veteran investigative reporter, tells me. But the Bush-Cheney White House is "more secretive. They are better, smarter; they do much more stuff and hide behind jingoism," he says. "There's been an incredible diminution of Congress. The truth of the matter is it is different now. It is different under these guys." Bureaucrats who in the past would have resisted leak-investigation demands from the administration, Hersh says, are today "more compliant." Hersh says that back in the 1970s, when he broke the story about the government spying on Americans, a top Justice Department official (Gerald Ford's attorney general Edward Levi) told those in the White House (including Ford's chief of staff Dick Cheney) who were seeking to pursue a leak investigation against Hersh, "Are you kidding? Get the hell out of here." Not any more. And that sense of fear and intimidation has seeped into the DNA of media institutions as well, Hersh says. In the climate that prevailed after the terrorist attacks of September 11, 2001, "newspapers decided they were on the team. And that set off a chain, an attitude, that chilled the First Amendment right away." It contributed, he suggests, as well to the media's insufficiently skeptical reporting on the Bush administration's prewar claims concerning the threat posed by Saddam Hussein.

The chill is still evident. One top national-security reporter, whose reporting led to an internal-leak investigation at a federal agency and therefore requested anonymity, says such investigations can remain open, inhibiting sources and follow-up reporting even if the investigations don't lead to criminal charges. "You have to be aware of your sources," the reporter says. "What are you going to do? You have to lay off. They leave them open for a purpose."

The reporter says federal officials had also been effective at inhibiting follow-up reporting by other journalists on controversial subjects by implying, sometimes falsely, that some of the information reported by their colleagues was wrong. The reporter cited as an example the allegations in Risen's book regarding the CIA and Iran. "The agency was very successful in convincing other reporters that Risen's report was wrong," the reporter says.

What remains unclear is whether the new legal precedents and interpretations established by the Bush Justice Department—which contend that the press has no fundamental privilege to protect the identities of confidential sources in fulfilling its mission to ensure the public's right to know—will swing back now that the Bush administration's reign is over. Though there are reasons for optimism on these issues under the Obama administration—from its stated intent to close Guantánamo to signals that it is considering establishing a commission to examine government conduct in the "war on terror"—it is unclear how much can be easily undone; or how much of a priority that will be for the administration. Given the massive, urgent problems confronting the new administration (the economy, Iraq,

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### **'It's a witch hunt,' says James Risen. 'They are trying to shut us down.'**

Afghanistan, etc.), it could be forgiven for preferring to look forward rather than back. Beyond that, it also isn't clear that congressional Democrats have an appetite for a thorough excavation of the Bush administration policies.

One congressional staffer, who works on national-security issues and who asked to speak on background, suggests that one reason Congress has not been more aggressive in following up on the domestic wiretapping story, for instance, is that there was a sense, even among many Democrats in Congress who had been briefed on the program, that the administration was pursuing these programs not for "nefarious reasons, but to catch bad guys"—that it was not using the program to spy on domestic political enemies, for instance, as had occurred in the 1970s.

Furthermore, the staffer says, there has not been until now much political incentive or evident public appetite for pursuing these issues. There was an attitude, he says, when Democrats took control of Congress, of "Let's not be seen as the party that wants to prosecute. And a lot of this stuff has been accepted by the general public."

In the meantime, the press is finding new ways to fight back, regaining some of its assertiveness that had gone missing in the years following 9/11. Lucy Dalglish, from The Reporters Committee for the Freedom of the Press, notes, for instance, that some news organizations have added provisions to their contracts with telecom service providers demanding that they not give the government any of the organization's records without first informing the company, or unless under subpoena.

It's a start. **CJR**

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# What We Learned In the Meltdown

*Financial journalists saw some trees but not the forest.  
Now what?*

BY MARTHA M. HAMILTON

One day in June 2005, my colleague Nell Henderson and I hiked over to the Bond Market Association to get ourselves educated on collateralized debt obligations and related products. I was editing *The Washington Post's* Wall Street coverage, and Nell was covering the Federal Reserve, and we both had a feeling this might be a corner of the market in which troubles could occur. A couple of hours later our heads were spinning, but at least we

felt like we had a better sense of how some of these increasingly complicated financial instruments that were flooding the markets worked.

What we didn't have was a story to write, or so we thought. What would we have said? That there is a rapidly growing, unregulated market in these things that might turn out to be pretty risky? We had been assured repeatedly all afternoon that the people who dealt in these products were constantly on guard, looking for risks and figuring out how to defuse them. But more than that, we both knew that there isn't much appetite for speculative stories about complicated issues in most newsrooms. Once the crisis occurs, once you can quote government officials referring to credit-derivative obligations and credit-default swaps as "toxic assets," it gets easier.

Still, I wish I had gone further and considered other options. I wish I had walked downstairs to where the Real Estate section was segregated from the rest of the business

staff to find out more about the connection between the subprime loans they were writing about and these new types of securities. I wish I had learned back then, instead of in the course of writing this story, that the market for asset-backed securities, loans secured by mortgages or other debt, had grown by 45 percent the previous year, mostly because of loans backed by housing, and had surpassed the market for corporate debt for the first time in history. And I wish I had suggested a meeting of the real-estate staff, the reporters who covered the economy, and those who covered regulatory agencies, markets, and banks to explore the connections.

The retrospective me also would have wondered more about other areas of the economy that were unregulated. And I would have been more intellectually curious about why such a creature of Wall Street as Securities and Exchange Commissioner William H. Donaldson would feel so strongly that hedge funds needed to be registered, and would pursue doing so at his own political risk.

But even in hindsight, I think it would have taken a miracle for business journalists to have foreseen the current crisis in its magnitude and depth. Beat reporters saw the pieces of it, and columnists who took a broader view warned about the buildup of risk. But even those who predicted disaster, I think it's fair to say, didn't know how widespread it would become or how unprecedented the government's reaction would be. A *New York Times* editorial warning in September 2006

that "in a market so vast and dynamic, everyone knows that if mortgage defaults should rise, damage could reverberate throughout the financial system," probably didn't leave many readers thinking seriously that two years later we might be talking about a second Great Depression.

Nonetheless, there are certainly lessons to be learned about how to change some structural and cultural biases that might have gotten in the way—including the segregated silos we sometimes fall into in our beats, and a bias against speculative "this trend could be dangerous" stories. It's not as sexy to prevent disasters as it is to cover them, but maybe we should rethink that, and learn to view warnings and prevention as one of the most important parts of our jobs.

One of the biggest obstacles to understanding, however, was out of our control: it was the decision to let major financial markets full of new types of housing-related investments expand with little or no federal oversight. No regulation

means no transparency. Reporters and investors alike were kept from seeing what was going on behind the curtain.

What happened? In short, mortgage lenders began to pool and sell mortgages to raise more money to lend. Then those pools morphed into more complex products, which transferred the risk further and further away from the original lender. The original mortgage pools got packaged with others into collateralized debt obligations (CDOs) or collateralized mortgage obligations (CMOs) and sliced into different levels of risk, graded by rating agencies as safer than they turned out to be. Financial institutions like AIG then issued credit-default swaps as a way for players to insure against losses. At each stage, investors borrowed, piling more debt on a slender reed of equity.

The quest for more mortgages to package led to the subprime market, which helped keep the housing bubble expanding—until it burst. Warnings of risks were met by assurances from Alan Greenspan, then the Federal Reserve chairman, and others that the smart, self-interested people would keep risks at bay. They didn't, and here we are.

IF YOU GO BACK AND READ STORIES WRITTEN OVER THE PAST decade, you will find plenty of good reporting that pointed to emerging problems. *The Economist* warned in 2002, for instance, that "a housing bubble is more dangerous than a stockmarket bubble, because it is associated with more debt. A steep fall in house prices would harm the global economy far more than a slump in share prices." And there were stories dating back to 1998 in *The Wall Street Journal* about Commodity Futures Trading Commissioner Brooksley Born's warnings about risk in the unregulated over-the-counter derivatives markets and how her quest to regulate them was steamrolled.

Now that the economy is unraveling, there has been terrific forensic reporting, including *This American Life's* brilliant radio segment "The Giant Pool of Money," which took listeners through all the steps, from a U.S. marine facing foreclosure (his mortgage broker stated his income as \$195,000 when it was actually about \$37,000) to one of the companies that created CDOs. *The New York Times* contributed "The Reckoning," a great explanatory series of articles that looked at pivotal events and players in the financial crisis.

Even if we couldn't have nailed this story of a lifetime, many of us can think now of steps we wish we had taken. So the questions are: What can financial journalists learn from this, and what can we do better? What didn't we see, and why didn't we see it? And where should we have been looking?

First, some mitigating factors: while the problems that led to the current crisis were building, financial journalists had

their hands full with other major stories. We were incredibly busy covering the fallout from the previous scandals, many of which involved cooking the books. There were trials and pleas all over the place: Enron, WorldCom, Tyco, HealthSouth, Adelphia, and Martha Stewart, just to name some of the more heavily covered legal proceedings. There were also stories to be done on the end of the tech bubble, the mutual-fund scandals, Richard Grasso's departure from the New York Stock Exchange, fights between the regulators and Fannie Mae and Freddie Mac over accounting problems, concerns about the growth in consumer debt and leverage in the markets, and the growing role of sovereign wealth funds. The "Maestro," Alan Greenspan, was handing over leadership of the Fed to Ben Bernanke. And then came rising interest rates. In Washington, we also had the downfall of the city's oldest and most respected bank, the Riggs, which turned out to be cozying up to money-laundering dictators. On the regulatory front, there was the Sarbanes-Oxley Act, a law designed to make sure corporate financial reports were more reliable in the wake of so much accounting fraud, and the transfer of the chairmanship of the Securities and Exchange Commission from Donaldson to the more hands-off Christopher Cox.

We were also personally busy refinancing and buying houses. I don't want to overstate this, but the same housing boom and lower interest rates that helped create the heavy demand for more exotic, risky investments enticed us as consumers. At one point, four or five of us in the Business section at *The Washington Post* were using the same broker to refinance and reduce our mortgage rates, while other colleagues were rushing to buy houses before prices went up even more.

It may not come as a surprise that business journalists point to examples of things they got right. "I don't think this is a case of financial journalists falling asleep at the switch," says Jill Drew, who oversaw business coverage at the *Post* until 2006. "People were doing stories all around it," she says, noting a three-part series by Alec Klein, a *Post* reporter, in 2004 about the conflicts of interest in rating agencies, as well as other stories about elements of the current crisis.

Among those in the media who raised alarms about the new debt market and rising levels of borrowing were columnists Floyd Norris, chief financial correspondent for *The New York Times*; Steven Pearlstein of *The Washington Post*; and Allan Sloan, now of *Fortune*. All three raised questions early and often about risks in the economy. Here's Norris in August 2005, for instance:

If housing prices fall, will mortgages cushion the downfall, or make it worse? Put another way, will more overstretched homeowners be forced to sell? At issue is whether financial innovations that have made it easier for Americans to buy homes have also made the system less stable and more vulnerable to shocks



#### A SUNSHINE TIMELINE

## 1934

A defective case—two Texas oil companies had been charged with violating a regulation that didn't exist when the charges were filed—embarrasses the Supreme Court and spurs the creation, a year later, of the Federal Register, the first comprehensive accounting of U.S. executive-branch rules and regulations.

that could drive many of them from their homes, having lost all they invested in them.

Still, Norris says he wishes he had done more. "I did not take the time to understand the intricacies of collateralized debt obligations," he says. "What I should have known, and didn't, was that this amounted to financial alchemy to turn risky assets into risk-free assets, or at least to mostly fund risky assets with risk-free assets." Norris says that he assumed that the rating agencies were correctly assessing risk, and also that he didn't understand the extent of fraud going on in mortgage lending, with appraisers being paid to come in with higher assessments. "I would have studied CDOs and CMOs and all those things much earlier than I did, and I would have understood them." One other point he makes: "I think we were all a little too willing to assume Alan Greenspan knew what he was talking about. It seems pretty clear to me now that Greenspan worshipped free markets but didn't understand them."

NOW THAT WE CAN LEARN FROM LOOKING BACKWARD, HERE are some suggestions for going forward:

**Pay more attention to the credit and derivatives markets.** Financial journalists focus too much on the equities markets—after all, they are easy to understand, and stock prices often tell you about the relative health of companies or industries. It may be that the equities markets are the financial equivalent of political journalists covering the horse race.

But here's one fact to keep in mind: compared to the credit markets, the equities markets are puny. At the end of 2007, the global stock-market capitalization was \$64.6 trillion, compared to the global bond-market outstanding of \$79.8 trillion—or more than 350 times its size in 1990, according to the Securities Industry and Financial Markets Association.

Convincing reporters to become experts on debt markets, or even convincing them just to read trade publications such as *Inside Mortgage Finance* and the *Asset Securitization Report* can be a hard sell. It's just not sexy. "Credit markets tower over the equity markets in dollar value," says James Grant, of *Grant's Interest Rate Observer* and the author of *Mr. Market Miscalculates*. But he adds, "Credit markets, except for propeller heads, have very little entertainment value."

Yet unregulated derivatives, including most recently credit derivatives, have been associated with financial disasters, including the bankruptcy of Orange County, California in 1984; the failure of Long-Term Capital in 1998; the problems at Enron culminating in 2001; and now the Big One.

So it might be a good idea to cover them more consistently and less episodically.

**Question what will happen when there are fundamental shifts in the rules of doing business,** whether it's Wall Street suddenly taking public tech companies with no track record or lenders giving up the concept of underwriting—i.e., looking at whether a borrower can make the payments—in favor of a belief that housing prices can go no place but up.

**Don't rely on self-interested experts.** In the case of the unregulated collateralized debt obligations, derivatives, and swaps markets and the growing hedge-fund industry, most of the experts were also players. Though there are academics knowledgeable about these markets, too many reporters didn't push for answers from anyone beyond the International Swaps and Derivatives Association, the rating agencies, or other self-interested participants.

Put me on this list, since my quest to know more started and stopped with the Bond Market Association.

**When a huge new industry springs up, make sure you understand everything you can about it.** It's true that, with respect to the collateralized securities and derivatives markets and the hedge-fund industry, they were growing in the shadows, so it was harder to know what you didn't know.

Grant describes his *Interest Rate Observer* as "focused pretty much single-mindedly on these mortgage contraptions." But he says there "was not so much the general press could have known about. So much of the mortgage crisis was cooked up behind doors that were either closed by interested parties or doors that were closed except to the adepts and cognoscenti by virtue of the complexity of the structures."

If AIG, whose business was assessing risk, couldn't correctly calculate the risk of insuring in this market, says Grant, figuring it out in advance of a crisis may be "asking a lot of people who might have had an economics course on the way to a degree in journalism or social work."

It's not that the growth in these markets went unnoticed. There were multiple stories over the years remarking on their growth, the lack of regulation, and the possible risk. One *Post* story in 2000 noted that the market for over-the-counter derivatives had "grown 400 percent from a decade ago, 50 percent from five years ago."

But most of us probably didn't try as diligently as we should have to understand why they were growing and what the risks were. "To my mind, the *beau ideal* of a financial journalist would be modeled after the slouching and ill-dressed police lieutenant who kept saying, 'Can you say that one more time? Because I'm not very smart,'" says Grant.



#### A SUNSHINE TIMELINE

## 1946

The Administrative Procedures Act is a hobbled attempt to shine a light on the increasingly complex federal bureaucracy in the postwar era, as the U.S. adjusted to its role as a global superpower. It was so poorly written that it actually became an obstacle to transparency, and FOIA was eventually proposed as an amendment designed to fix the APA.



**Look forward.** It's hard to do, especially when you're still deep in the wreckage of the previous disaster. And it will be harder given the shrunken ranks of reporters and editors. One thing that might help is systematically discussing whether and how developments on one beat might relate to something happening on another beat. For example, in many newspapers, the real-estate section is considered separate from the main business section and more frequently viewed in terms of the local rather than the national economy. Maybe the real-estate reporters and the reporters covering national economic news should have been having lunch together, discussing what was happening at either end of the housing bubble.

The scramble over how to regulate financial markets is already under way. There will certainly be a major realignment. All players in the financial industry will be fighting tooth and nail to protect themselves as much as possible from regulation. That will include hedge funds, banks, and the rating agencies that decreed some of today's toxic assets as reasonably safe. Huge sums of money are at stake and will be spent. That's an obvious place to watch. The financial press should be all over that story, and should be putting teams of well-sourced reporters in place to cover the battle and the new regulatory agencies.

But even as the current crisis unfolds, something else, in some corner we aren't watching, will be gathering.

"By their nature, crises surprise us," says Greg Ip, now of *The Economist*, formerly of *The Wall Street Journal*. "But we should still try to report on risks even if the risks we choose to investigate aren't the source of the next crisis. They might still be dangerous, and our reporting on them can mitigate that danger."

Ip has a good idea about how to encourage such reporting. Noting that Pulitzers are awarded for work done in the previous year, he suggests a prize for prescience that would look back even further.

**Just because something is unregulated or deregulated doesn't mean that journalists should stop paying attention.** Regulation is good for journalists because it guarantees that someone other than self-interested players will be watching and, even better, will have the ability to pry loose records that we don't. In the twenty-five years after the Reagan Revolution, journalists got so accustomed to deregulation that we didn't look hard enough at all the issues and problems it obscured. We used to joke in the newsroom that we didn't need an antitrust reporter anymore because there was no such thing as antitrust. In fact, we might have done better to ask ourselves whether any of the ills that antitrust regulation was supposed to prevent were occurring. For instance, were more and more companies "getting too big to fail"?

Even where there was regulation, there wasn't always enough attention paid when it was relaxed.

In an excellent piece in "The Reckoning," the *New York Times* series I noted earlier, Stephen Labaton took a backward look at an SEC decision to loosen requirements on how much capital the brokerage units of investment banks needed to protect against risk. The banks wanted the money cut loose in order to invest in "the fast-growing but opaque world of

mortgage-backed securities; credit derivatives, a form of insurance for bond holders; and other exotic instruments." In return for loosening the rules and agreeing to use the banks' computer models to monitor how risky investments were, the SEC was supposed to get a stronger supervisory role and more insight into investments in mortgage-backed securities, although "the agency never took true advantage of that part of the bargain."

In 2004, however, the press paid little attention to the meeting in which that decision was made. "The proceeding was sparsely attended," wrote Labaton. "None of the major media outlets, including *The New York Times*, covered it."

We probably should have shone the spotlight more brightly on de facto deregulation, such as cuts in spending for enforcement. And we certainly should have tried harder

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**'We were all a little too willing to assume Alan Greenspan knew what he was talking about,' says Floyd Norris.**

to keep tabs on industries created completely outside the regulatory framework.

Kudos, by the way, to Bloomberg News for filing suit in early November in federal court arguing that the Fed is required under the U.S. Freedom of Information Act to reveal more details about how it is spending the bailout money.

Some state watchdogs were able to step into the regulatory void during the past decade, as then New York Attorney General Elliot Spitzer did, uncovering unsavory practices by stock analysts and in the mutual-fund industry. And when they did pick up the regulatory slack, we remembered how wonderful it is for reporters (and for readers and investors) to have regulation.

I've had occasion to regret sunshine-meeting laws, forced to sit through some staggeringly dull committee meetings, when, in earlier times, I would have been outside the door joking and gossiping with other excluded reporters. But, by and large, sunshine laws are good for the press and the public—and so is regulation.

As someone who spent years watching airline bankruptcies, I can attest that the transition to deregulation has its own fun and excitement. But thoughtful regulation is good for industries, which sometimes are not the best judges of the consequence of certain practices. And it's good for consumers and investors.

It's as American as the Freedom of Information Act and the First Amendment. **CJR**

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MARTHA M. HAMILTON, a former reporter, editor, and columnist at *The Washington Post*, writes a column about financial planning for retirement for the online AARP Bulletin.

# Opening India

*The world's largest democracy finally has an FOI law—so why have journalists been slow to embrace it?*

BY RALPH FRAMMOLINO

In October, community activists from around India gathered at the Nehru Memorial Museum & Library in New Delhi to celebrate the third anniversary of the country's Right to Information Act and assess the progress made under the landmark law. One speaker told how the law had produced a measure of belated justice after the 2002 riots between Hindus and Muslims in Gujarat state left more than a thousand dead and 150,000 homeless. Dissatisfied

with the pace of police investigations, a number of Muslims filed public-records requests to track the progress of their cases. Their scrutiny pressured police into arresting one hundred suspects.

Nikhil Dey, one of the champions of the law, choked up when he took the microphone to comment. "I'm sorry," he said, bringing his hand to his face.

"Don't be," came a voice from across the hushed conference room. "We should all have tears in our eyes."

Dey regained his composure and explained to fellow advocates why the Gujarat example was so poignant. "Completely non-accountable, brazen people who put the Constitution aside can be brought to book by their victims," he said.

There's no denying the emotional impact and political potential of India's young law granting citizens the right to access government documents. For a nominal fee—in most cases, ten rupees, or twenty cents—an Indian citizen

can step up to the scariest government agency and take his or her shot. The law applies to the bulk of paper and electronic information collected by public agencies, from federal ministries to the smallest rural village, as well as the files of private organizations that are "substantially financed" by the government. Citizens can even request samples of materials, like cement, used in government projects. The law contains a number of exemptions for records that, among other things, might compromise national security, endanger life and safety, divulge trade secrets, or that relate to the riot-prone state of Jammu and Kashmir. It gives an agency thirty days to either deliver the information or reject the request. And unlike the U.S. Freedom of Information Act, the Indian law comes with some bite: bureaucrats who stall, give misinformation, or refuse to hand over records without reasonable cause can face personal fines up to twenty-five thousand rupees, or \$520.

Born of a decade-long, Mahatma-like protest movement staged by peasants, the act, which took effect in 2005, has unleashed a surge of civic engagement in the world's largest democracy. In the first three years, citizens have filed hundreds of thousands of requests with federal, state, and local agencies, shaking out everything from construction budgets and neighborhood maps to school exams and road surveys. Arm-chair reformers and nongovernmental organizations like Greenpeace have used the law to halt illegal commercial construction, expose embezzlement in poverty food programs, and track the

development of genetically modified crops on the subcontinent. They've embarrassed leading politicians for such things as spending public emergency funds on mango festivals and wrestling matches. Most of all, the law is changing the zeitgeist in a society where people have participated in free elections for fifty-six years but have been otherwise shut out of the daily decisions by a notoriously secretive and corrupt government bureaucracy. "The one difference the RTI has made is that a citizen who used to feel helpless when he approached a government department doesn't feel helpless anymore," says Arvind Kejriwal, an information-law activist and founder of the anticorruption group Parivartan in Delhi. "He can challenge the department. He can challenge the bureaucracy. He can challenge injustice."

What is still unclear, however, is whether the law will live up to its potential as a game-changer by challenging the government's systemic lack of transparency and account-

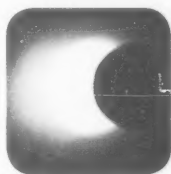
ability. Expectations are high for a measure that represents the most sweeping government reform yet in a country that still doesn't require the disclosure of campaign contributions during political races or have a legal framework to encourage and protect whistleblowers. Despite the impressive testimonials and the isolated successes, fundamental change will come slowly, incrementally, and with plenty of setbacks. The information act has pried open the workings of government, instilling a fear in bureaucrats that their movements can now be tracked, but has yet to deliver the larger reforms its supporters envisioned. "Transparency? Yes," says K. K. Misra, chief of the commission set up to oversee the act in southern Karnataka state, which includes the city of Bangalore, an outsourcing hub. "But accountability and a better government? The eradication of corruption? That is a more time-consuming process."

ONLY 10 PERCENT OF INDIA'S 1.1 BILLION PEOPLE EVEN know about the law, according to two recent studies. And those who do tend to use it so to satisfy personal grievances, such as dislodging ration cards or passports without paying bribes. Some of the more aggressive users have been the bureaucrats themselves, who file requests to peek at civil-service exams and glean clues as to why they were passed over for promotions. Otherwise, the bureaucracy has given up ground grudgingly. It is estimated that only about half of all public agencies have made the proactive disclosures of basic information, like salaries and regulations, required under the law. Public-information officers, typically junior administrators, are poorly trained or are hidden from the public in anonymous offices. Reports persist of citizens being harassed when they attempt to file RTI requests.

These problems are compounded by the growing mountain of appeals from denied requests, which threatens to overwhelm the system. And the independent state and federal "information commissions" charged with hearing those appeals have been reluctant to fine uncooperative officials. The Central Information Commission in Delhi, which hears appeals involving ninety federal departments and forty-eight ministries and union territories, including the city of Delhi, has assessed penalties in fewer than 4 percent of the 6,400 cases it has considered so far in which fines were possible. Only a third of the 2.2 million rupees, or \$46,500, in fines levied has been collected; a small portion of that has been put on hold, either because of new facts or through court appeals of commission decisions. But more than half of the fines are either scheduled to be deducted in installments from officials' paychecks or remain seriously overdue, according to a Central Commission

spokesman. The highest-ranking administrator tagged: the joint secretary in the Ministry of Environment & Forests, who was fined twenty-five thousand rupees in December 2007—and still hasn't paid because she's appealing the matter in civil court. The commission concluded she took a "very casual approach" to a subordinate's request for twenty-year-old records relating to a court case the department initiated against him. The joint secretary took eight months to deny his request, then cited a nonexistent exemption in the RTI act to keep the documents secret, the commission found.

Meanwhile, the mainstream Indian press has been tentative at best in its use of the new tool. Reporters for native-language publications, especially those at rural papers with small circulations, have been using the act, but often as a way to keep local officials honest rather than to ferret out stories. The leading English-language newspapers and magazines—the publications that have the most influence on India's power centers—have reported widely on the RTI law itself, but have not embraced it as an investigative tool. Reporters and editors say they simply don't trust the information released by government officials. Narendar Pani, a former senior editor for *The Economic Times* and now dean of interdisciplinary studies at the National Institute of Advanced Studies in Bangalore, suggested other, less noble explanations for the "patchy" use of the law. English dailies compete for upscale urban audiences that prefer feel-good, India-rising stories to articles about government corruption. Pani said another factor is that Indian reporters are culturally attuned to work through networks of informal sources, which would dry up with "a blunt-instrument approach, which is the RTI."



#### A SUNSHINE TIMELINE

## 1953

The American Society of Newspaper Editors commissions a survey of all the laws (local, state, and federal) that could be used to gain access to government records—and concludes that the situation is bleak. It was the first time the press got heavily involved in the effort to make government more transparent.

THE RIGHT TO INFORMATION ACT emerged out of a "people's movement" in Rajasthan, a state in western India that borders Pakistan. The improbable crusade of impoverished peasants reframed a typically intellectual debate over good governance into a gritty struggle for survival. "The unique thing about India's RTI is that it started with poor people, making a demand for extremely real issues," said Aruna Roy, one of the country's most respected social activists and the person most closely identified with the RTI movement. "It was not an academic issue at all."

The issue was, and continues to be, official malfeasance. Billions of rupees disappear from construction and welfare programs. Civil servants and local officials do little without pocketing *baksheesh*. Transparency International estimates that Indians dole out a collective \$4.8 billion in bribes every year for basic services, like filing a police report. In upholding the conviction of a police officer for taking a

3,500-rupee bribe, India's Supreme Court lamented in 2006: "No facet of public activity has been left unaffected by the stink of corruption." Hardest hit, advocates say, are the 450 million mostly rural villagers who subsist on less than \$1.25 a day.

Their ranks include the feisty people of the Pali District in central Rajasthan. During the early 1990s, the region suffered through severe droughts. To help stave off famine, the government opened a number of small construction projects so the villagers could earn money to buy food. But when villagers had completed their work and showed up to collect their pay, they were shortchanged. The town official who controlled the money claimed the workers didn't log nearly as many hours as they thought. The villagers demanded to see the timesheets, or "muster rolls." The official refused, saying the rolls were confidential government documents under the 1923 Official Secrets Act, an anti-espionage measure left over from British rule.

As it happened, the irate villagers were members of Mazdoor Kisan Shakti Sangathan, or the Workers-Farmers Unity Union, which Nikhil Dey and Aruna Roy started in 1990. A small, severe-looking woman, Roy knew the bureaucratic game, having served in the most elite group of civil servants, the Indian Administrative Service, before quitting in 1975 over what she termed its "decadent colonial spirit." She moved to Rajasthan to work directly with the poor. When the grievances over the famine work first bubbled up, the union staged hunger strikes but nothing happened. Let them die, local officials said. That's when Roy and her compatriots seized on access to information as a way of fighting back. They convinced one local official to let them copy muster rolls, including related bills and vouchers for the construction projects. Insiders leaked other records. Then they went from village to village, confirming the information.

What they found was straight out of Chicago ward politics. There were dead people on the rolls, as well as names of villagers who had moved away—all "ghost" employees who never worked a day on the projects. Bills showed evidence of other fraud: the "purchase" of new stones when workers had used old ones from a torn-down building.

In December 1994, Roy and her cohorts convened a public hearing to discuss the findings. More than a thousand villagers, gnarled old men in turbans and women in colorful ankle-length *ghaghra*s, sat under the shade of a borrowed parachute. With town chiefs looking on from a distance, peasants paraded to the mike to testify to the rip-off. After two years and two highly publicized sit-down strikes, Rajasthan officials grudgingly agreed to open all village records to inspection and photocopying. The union's campaign became a phenomenon, with several village officials promising to pay back pilfered funds. Former Prime Minister V.P. Singh showed up at a subsequent hearing and the Brahmins of the national press offered to help. The burgeoning movement also prompted Rajasthan and eight other states to pass right-to-information laws, which spurred other transparency campaigns.

In conjunction with the Press Council of India, Roy and another union co-founder, Shekhar Singh, lobbied Parliament for a national law. The first attempt got enough votes to pass in 2002, but was never enacted due to a technicality.

A second bill soon picked up a powerful ally in Sonia Gandhi, the president of the National Congress Party, who fashioned a coalition government after the 2004 elections. The coalition government, called the United Progressive Alliance, committed itself to passing a strong information law and the next year Gandhi pushed it through Parliament.

The information commissions were established to keep requests from getting bottled up in hostile bureaucracies. But as the number of requests mushrooms, the commissions at the federal level and in the larger states have themselves become a bottleneck. The Central Information Commission in New Delhi, for instance, is trying to dig out from nearly nine thousand appeals and the end may not be in sight. If things don't change in a year or two, warns Wajahat Habibullah, the head of the commission, the whole system may collapse.

The law's supporters vow to safeguard it, claiming the glut of appeals will subside once agencies have fully embraced the act. Indeed, they gained added influence when one of their own—Shailesh Gandhi, an RTI activist from Mumbai with eight hundred requests under his belt—was chosen to become the new federal information commissioner. He started hearing appeals in mid-September. Activists are also laying plans with federal authorities to establish a national RTI hotline that will allow citizens to place and pay for their requests via cell phone.

During the October gathering of activists, Roy, Dey, and thirty others gave an update on the nationwide study they are conducting of the RTI law's impact. As part of the study, underwritten in part by \$250,000 from the Google Foundation, the activists have compiled a database of case studies, some six thousand accounts of how the act has struck a small blow for poor farmers and other underdogs. The cumulative effect, Dey says, is a "class-action kind of thing" that he believes will shift India from an electoral to a participatory democracy. "You can't say it's tangible. It's a change of culture," he says. "It's governance being turned around."

The media are turning around as well, albeit slowly. English-language newspapers now regularly publish stories brought to them by RTI activists. Some have broken bite-sized exclusives stemming from their own requests. One Bangalore tabloid has carved out an RTI mini-beat. In November, Delhi's largest television station launched a federal probe with its report—based on information obtained under the RTI law—that newborn babies were dying at a disturbingly high rate at a leading city hospital due to unsanitary conditions there. Within other newsrooms, editors and reporters accustomed to India's smash-and-grab style of journalism openly acknowledge they need to find a way to harness the landmark law. "To be very frank, we have not understood the power of the Right to Information Act yet," says Saikat Datta, an investigative reporter for the weekly newsmagazine *Outlook*, about the journalistic community. "We just haven't figured out how powerful this tool is and what it can achieve." **CJR**

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# A See-Through Society

*How the Web is opening up our democracy*

BY MICAH L. SIFRY

It may be a while before the people who run the U.S. House of Representatives' Web service forget the week of September 29, 2008. That's when the enormous public interest in the financial bailout legislation, coupled with unprecedented numbers of e-mails to House members, effectively crashed [www.house.gov](http://www.house.gov). On Tuesday of that week, a day after the House voted down the first version of the bailout bill, House administrators had to limit the number

of incoming e-mails processed by the site's "Write Your Representative" function. Demand for the text of the legislation was so intense that third-party sites that track Congress were also swamped. GovTrack.us, a private site that produces a user-friendly guide to congressional legislation, had to shut down. Its owner, Josh Tauberer, posted a message reading, "So many people are searching for the economic relief bill that GovTrack can't handle it. Take a break and come back later when the world cools off."

Once people did get their eyes on the bill's text, they tore into it with zeal. Nearly a thousand comments were posted between September 22 and October 5 on PublicMarkup.org, a site that enables the public to examine and debate the text of proposed legislation set up by the Sunlight Foundation, an advocacy group for government transparency (full disclosure: I am a senior technology adviser to Sunlight). Meanwhile, thousands of bloggers zeroed in on the many earmarks in the

bill, such as the infamous reduction in taxes for wooden-arrow manufacturers. Others focused on members who voted for the bill, analyzing their campaign contributors and arguing that Wall Street donations influenced their vote.

The explosion of public engagement online around the bailout bill signals something profound: the beginning of a new age of political transparency. As more people go online to find, create, and share vital political information with one another; as the cost of creating, combining, storing, and sharing information drops toward zero; and as the tools for analyzing data and connecting people become more powerful and easier to use, politics and governance alike are inexorably becoming more open.

We are heading toward a world in which one-click universal disclosure, real-time reporting by both professionals and amateurs, dazzling data visualizations that tell compelling new stories, and the people's ability to watch their government from below (what the French call *sousveillance*) are becoming commonplace. Despite the detour of the Bush years, citizens will have more opportunity at all levels of government to take an active part in understanding and participating in the democratic decisions that affect their lives.

## Log On, Speak Out

The low-cost, high-speed, always-on Internet is changing the ecology of how people consume and create political information. The Pew Internet & American Life Project estimates that roughly 75 percent of all American

adults, or about 168 million people, go online or use e-mail at least occasionally. A digital divide still haunts the United States, but among Americans aged eighteen to forty-nine, that online proportion is closer to 90 percent. Television remains by far the dominant political information source, but in October 2008, a third of Americans said their main provider of political information was the Internet—more than triple the number from four years earlier, according to another Pew study. Nearly half of eighteen-to-twenty-nine-year-olds said the Internet was their main source of political info.

Meanwhile, we're poised for a revolution in participation, not just in consumption, thanks to the Web. People talk, share, and talk back online. According to yet another study by Pew, this one in December 2007, one in five U.S. adults who use the Internet reported sharing something online that they created themselves; one in three say they've posted a comment or rated something online.

People are eager for access to information, and public officials who try to stand in the way will discover that the Internet responds to information suppression by routing around the problem. Consider the story of a site you've never seen, ChicagoWorksForYou.com. In June 2005, a team of Web developers working for the city of Chicago began developing a site that would take the fifty-five different kinds of service requests that flow into the city's 311 database—items like pothole repairs, tree-trimming, garbage-can placement, building permits, and restaurant inspections—and enable users to search by address and “map what’s happening in your neighborhood.” The idea was to showcase city services at the local level.

ChicagoWorks was finished in January 2006, with the support of Mayor Richard Daley’s office. But it also needed to be reviewed by the city’s aldermen and, according to a source who worked on the project, “they were very impressed with its functionality, but they were shocked at the possibility that it would go public.” Elections were coming up, and even if the site showed 90 percent of potholes being filled within thirty days, the powers-that-be didn’t want the public to know about the last 10 percent. ChicagoWorksForYou.com was shelved.

But the idea of a site that brings together information about city services in Chicago is alive and kicking. If you go to EveryBlock.com, launched in January 2008, and click on the Chicago link, you can drill down to any ward, neighborhood, or block and discover everything from the latest restaurant-inspection reports and building permits to recent crime reports and street closures. It’s all on a Google Map, and if you want to subscribe to updates about a particular location and type of report, the site kicks out custom RSS feeds. Says Daniel O’Neil, one of EveryBlock’s data mavens, “Crime and restaurant inspections are our hottest topics: Will I be killed today and will I vomit today?”

EveryBlock exists thanks to a generous grant from the Knight News Challenge, but its work, which covers eleven cities, including New York, San Francisco, and Washington, D.C., offers a glimpse of the future of ubiquitous and hyperlocal information. EveryBlock’s team collects most of its data by scraping public sites and spreadsheets and turning it into understandable information that can be easily displayed and manipulated online.

It may not be long before residents of the cities covered by EveryBlock decide to contribute their own user-generated data to flesh out the picture that city officials might prefer to hide. EveryBlock founder Adrian Holovaty tells me that his team is figuring out ways for users to connect directly to each other through the site. Forums that allowed people to congregate online by neighborhood or interest would enable EveryBlock users to become their cities’ watchdogs. If city agencies still

won’t say how many potholes are left unfilled after thirty days, people could share and track that information themselves.

Such a joint effort is no stretch to young people who have grown up online. Consider just a couple of examples: since 1999, RateMyTeachers.com and RateMyProfessors.com have collected more than sixteen million user-generated ratings on more than two million teachers and professors. The two sites get anywhere from half a million to a million unique visitors a month. Yelp.com, a user-generated review service, says its members have written more than four million local reviews since its founding in 2004. As the younger generation settles down and starts raising families, there’s every reason to expect that its members will carry these habits of networking and sharing information into tracking more serious quality-of-life issues, as well as politics.

### Cities Lead the Way

Recognizing this trend, some public officials are plunging in. In his “State of the City” speech in January 2008, New York Mayor Mike Bloomberg promised to “roll out the mother of all accountability tools.” It is called Citywide Performance Reporting, and Bloomberg promised it would put “a wealth of data at people’s fingertips—fire response times, noise complaints, trees planted by the Parks Department, you name it. More than five hundred different measurements from forty-five city agencies.” Bloomberg, whose wealth was built on the financial-information company he built, says he likes to think of the service as a “Bloomberg terminal for city government—except that it’s free.”

Bloomberg’s vision is only partly fulfilled so far. A visitor to the city’s site (nyc.gov) would have a hard time finding the “Bloomberg terminal for city government” because it’s tucked several layers down on the Mayor’s Office of Operations page, with no pointers from the home page.

Still, the amount of data it provides is impressive. You can learn that the number of families with children entering the city shelter system is up 31 percent over last year, and that the city considers this a sign of declining performance by the system. Or you can discover that the median time the city department of consumer affairs took to process a complaint was twenty-two business days, and that that is considered positive! Another related tool, called NYC\*SCOUT, allows anyone to see where recent service requests have been made, and with a little bit of effort you can make comparisons between different community districts. New York’s monitoring tools still leave much to be desired, however, because they withhold the raw data—specific addresses and dates-of-service requests—that are the bones of these reports. This means the city is still resisting fully sharing the public’s data with the public.



A SUNSHINE TIMELINE

1966

FOIA passes. Without the votes to sustain his threatened veto, and with Bill Moyers, his press secretary, urging him on, LBJ signs the bill. But he nixes a press release announcing the new law, and forgoes a signing ceremony, the only time in his tenure he did so. (Ironical footnote: Donald Rumsfeld co-sponsored the bill.)

Compare that to the approach of the District of Columbia. Since 2006, all the raw data it has collected on government operations, education, health care, crime, and dozens of other topics has been available for free to the public via 260 live data feeds. The city's CapStat online service also allows anyone to track the performance of individual agencies, monitor neighborhood services and quality-of-life issues, and make suggestions for improvement. Vivek Kundra, D.C.'s innovative chief technology officer, calls this "building the digital public square." In mid-October, he announced an "Apps for Democracy" contest that offered \$20,000 in cash prizes for outside developers and designers of Web sites and tools that made use of the city's data catalog.

In just a few weeks, Kundra received nearly fifty finished Web applications. The winners included:

- iLive.at, a site that shows with one click all the local information around one address, including the closest places to go shopping, buy gas, or mail a letter; the locations of recently reported crimes; and the demographic makeup of the neighborhood;
- Where's My Money, DC?—a tool that meshes with Facebook and enables users to look up and discuss all city expenditures above \$2,500; and
- Stumble Safely, an online guide to the best bars and safe paths on which to stumble home after a night out.

The lesson of the "Apps for Democracy" contest is simple: a critical mass of citizens with the skills and the appetite to engage with public agencies stands ready to co-create a new kind of government transparency. Under traditional government procurement practices, it would have taken Kundra months just to post a "request for proposals" and get responses. Finished sites would have taken months, even years, for big government contractors to complete. The cost for fifty working Web sites would have been in the millions. Not so when you give the public robust data resources and the freedom to innovate that is inherent to today's Web.

### The Whole Picture

So, how will the Web ultimately alter the nature of political transparency? Four major trends are developing.

First, the day is not far off when it will be possible to see, at a glance, the most significant ways an individual, lobbyist, corporation, or interest group is trying to influence the government. Here's how Ellen Miller, executive director of the Sunlight Foundation and a longtime proponent of open government, sees the future of transparency online: "If I search for Exxon, I want one-click disclosure," she says. "I want to see who its PAC is giving money to, who its executives and

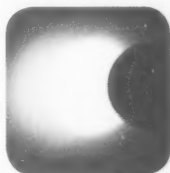
employees are supporting, at the state and federal levels; who does its lobbying, whom they're meeting with and what they're lobbying on; whether it's employing former government officials, or vice versa, if any of its ex-employees are in government; whether any of those people have flown on the company's jets. And then I also want to know what contracts, grants, or earmarks the company has gotten and whether they were competitively bid."

She continues: "If I look up a senator, I want an up-to-date list of his campaign contributors—not one that is months out of date because the Senate still files those reports on paper. I want to see his public calendar of meetings. I want to know what earmarks he's sponsored and obtained. I want to know whether he is connected to a private charity that people might be funneling money to. I want to see an up-to-date list of his financial assets, along with all the more mundane things, like a list of bills he's sponsored, votes he's taken, and public statements he's made. And I want it all reported and available online in a timely fashion."

This vision isn't all that far away. In the last three years, thanks in large measure to support from Sunlight, OMB Watch (a nonprofit advocacy organization that focuses on budget issues, regulatory policy, and access to government) created FedSpending.org, a searchable online database of all government contracts and spending. The Center for Responsive Politics (OpenSecrets.org), meanwhile, has developed searchable databases of current lobbying reports, personal financial disclosure statements of members of Congress, sponsored travel, and employment records of nearly ten thousand people who have moved through the revolving door between government and lobbying. Taxpayers for Common Sense (Taxpayer.net) is putting the finishing touches on a complete online database of 2008 earmarks.

The National Institute on Money in State Politics, headed by Ed Bender, is filling in the picture at the state level, aiming to give the public "as complete a picture as possible of its elected leaders and their actions, and offer information that helps the public understand those actions," he says. "This would start with the candidates running for offices, their biographies and their donors, and would follow them into the statehouses to their committee assignments and relationships with lobbyists, and finally to the legislation that they sponsor and vote for, and who benefits from those actions."

The incoming Obama administration, meanwhile, has expressed a commitment to expanding government transparency, promising as part of its "ethics agenda" platform ([change.gov/agenda/ethics-agenda](http://change.gov/agenda/ethics-agenda)) to create a "centralized Internet database of lobbying reports, ethics records, and campaign-finance filings in a searchable, sortable, and downloadable format," as well as a "contracts and influ-



A SUNSHINE TIMELINE

## 1986

In the wake of India's Bhopal disaster, the Emergency Planning and Community Right-to-Know Act mandates development of national and local systems to respond to leaks of dangerous chemicals. Included is the requirement, for the first time, that computerized regulatory information be made public.

## The question for citizens is, Will we use this new access to information to create a more open and deliberative democracy?

ence' database that will disclose how much federal contractors spend on lobbying, and what contracts they are getting and how well they complete them."

To insure that all citizens can access such a database, we can hope that Obama pushes universal Internet access as part of his investment in infrastructure. As Andrew Rasiej and I argued in *Politico* in December, "Just as we recognized with the Universal Service Act in the 1930s that we had to take steps to ensure everyone access to the phone network, we need to do the same today with affordable access to high-speed Internet. Everything else flows from this. Otherwise, we risk leaving half our population behind and worsening inequality rather than reducing it."

### 3-D Journalism

A second trend propelling us toward a greater degree of political transparency is data visualization. The tools for converting boring lists and lines of numbers into beautiful, compelling images get more powerful every day, enabling a new kind of 3-D journalism: dynamic and data-driven. And in many cases, news consumers can manipulate the resulting image or chart, drilling into its layers of information to follow their own interests. My favorite examples include:

- The Huffington Post's Fundrace, which mapped campaign contributions to the 2008 presidential candidates by name and address, enabling anyone to see whom their neighbors might be giving to;
- The New York Times's debate analyzer, which converted each candidate debate into an interactive chart showing word counts and speaking time, and enabled readers to search for key words or fast forward; and
- The Sunlight Foundation and Taxpayers for Common Sense's Earmarks Watch Map ([earmarkwatch.org/mapped](http://earmarkwatch.org/mapped)), which layered the thousands of earmarks in the fiscal 2008 defense-appropriations bill over a map of the country allowing a viewer to zero in on specific sites and see how the Pentagon scatters money in practically every corner of the U.S.

The use of such tools is engendering a collective understanding of, as Paul Simon once sang, the way we look to us all. As news consumers grow used to seeing people like CNN's John King use a highly interactive map of the United States to explain local voting returns, demand for these kinds of visualizations will only grow.

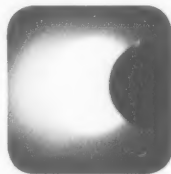
### Little Brother Is Watching, Too

The third trend fueling the expansion of political transparency is *sousveillance*, or watching from below. It can be done by random people, armed with little more than a camera-equipped cell phone, who happen to be in the right place at the right time. Or it can be done by widely dispersed individuals acting in concert to ferret out a vital piece of information or trend, what has been called "distributed journalism." In effect, Big Brother is being watched by millions of Little Brothers.

For example, back in August, San Francisco Mayor Gavin Newsom was having coffee at a Starbucks in Malibu when he was spotted by a blogger who took a couple of photos and posted them online. The blogger noted that Newsom was "talking campaign strategy" with someone, but didn't know who. The pictures came to the attention of *San Francisco Chronicle* reporter Carla Marinucci, who identified that person as political consultant Garry South. Soon political bloggers were having a field day, pointing out that the liberal mayor was meeting with one of the more conservative Democratic consultants around. This is *sousveillance* at its simplest.

The citizen-journalism project "Off the Bus," which ultimately attracted thousands of volunteer reporters who posted their work on The Huffington Post during the 2008 election, was *sousveillance* en masse. Much of their work

was too opinionated or first-person oriented to really break news, but Mayhill Fowler's reporting of Barack Obama's offhand remarks at a San Francisco fundraiser about "bitter" blue-collar workers at least briefly changed the course of the campaign. And there are numerous examples of bloggers and their readers acting in concert to expose some hidden fact. The coalition of bloggers known as the "Porkbusters" were at the center of an effort to expose which senator had put a secret hold on a bill creating a federal database of government spending, co-sponsored by none other than Barack Obama and Tom Coburn. Porkbusters asked their readers to call their senators, and by this reporting process, discovered that Senator Ted Stevens of Alaska was the culprit. Soon thereafter, he released his hold. Likewise, Josh Marshall has frequently asked readers of Talking Points Memo to help him spot local stories that might be part of a larger pattern. It was this technique that helped him piece together the story of the firings of U.S. Attorneys around the country, for which he won the Polk Award.



A SUNSHINE TIMELINE

2003

World Bank begins supporting FOI-related conditions in agreements with some developing countries, but stops short of making right-to-know laws mandatory. According to Privacy International, today roughly eighty-one governments worldwide have some form of FOI law.



### The World's A-Twitter

The final trend that is changing the nature of transparency is the rise of what some call the World Live Web. Using everything from mobile phones that can stream video live online to simple text message postings to the micro-blogging service Twitter, people are contributing to a real-time patter of information about what is going on around them. Much of what results is little more than noise, but increasingly sophisticated and simple-to-use filtering tools can turn some of it into information of value.

For example, in just a matter of weeks before the November election in the U.S., a group of volunteer bloggers and Web developers loosely affiliated with the blog I edit, techPresident.com, built a monitoring project called Twitter Vote Report. Voters were encouraged to use Twitter, as well as other tools like iPhones, to post reports on the quality of their voting experience. Nearly twelve thousand reports flowed in, and the result was a real-time picture of election-day complications and wait times that a number of journalistic organizations, including NPR, PBS, and several newspapers, relied on for their reporting.

### Nothing to Hide

The question for our leaders, as we head into a world where bottom-up, user-generated transparency is becoming more of a reality, is whether they will embrace this change and show that they have nothing to hide. Will they actively

share all that is relevant to their government service with the people who, after all, pay their salaries? Will they trust the public to understand the complexities of that information, instead of treating them like children who can't handle the truth?

The question for citizens, meanwhile, is, Will we use this new access to information to create a more open and deliberative democracy? Or will citizens just use the Web to play "gotcha" games with politicians, damaging the discourse instead of uplifting it?

"People tend not to trust what is hidden," write the authors of the November 2008 report by a collection of openness advocates entitled "Moving Toward a 21st Century Right-to-Know Agenda." "Transparency is a powerful tool to demonstrate to the public that the government is spending our money wisely, that politicians are not in the pocket of lobbyists and special-interest groups, that government is operating in an accountable manner, and that decisions are made to ensure the safety and protection of all Americans." In the end, transparency breeds trust. Or rather, transparency enables leaders to earn our trust. In the near future, they may have to, because more and more of us are watching. **CJR**

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MICAH L. SIFRY is co-founder of the Personal Democracy Forum, an annual conference on how technology is changing politics; editor of its group blog [techPresident.com](http://techPresident.com); and a senior technology adviser to the Sunlight Foundation.

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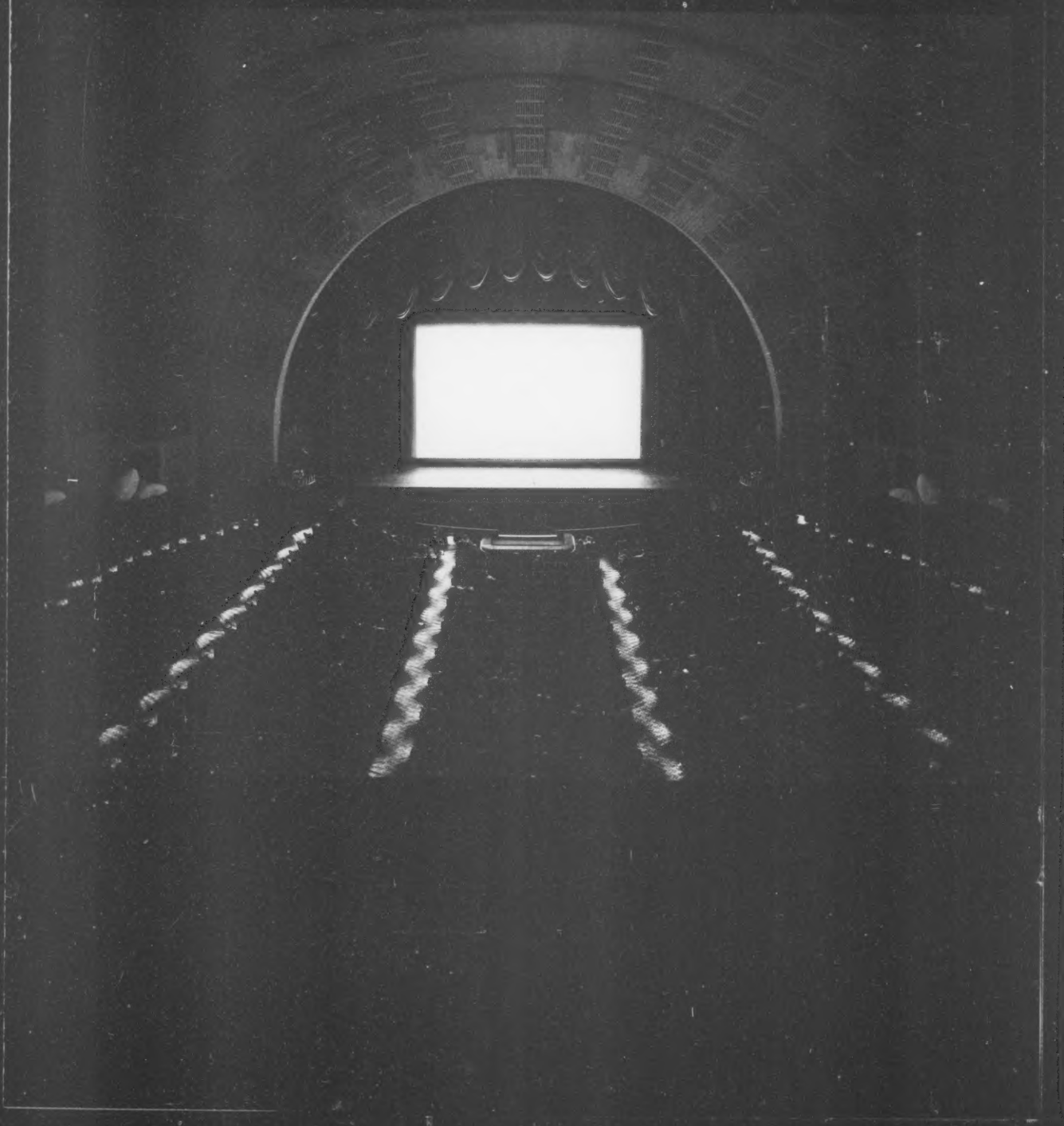
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# Ideas + Reviews

ESSAY

## Condition Critical

*Can arts critics survive the poison pill of consumerism?*

BY DAVID HAJDU

I saw the future through a two-way mirror in November 1990. I had just started a new job as a senior editor at *Entertainment Weekly*, a magazine then less than a year old, and I was sitting in a darkened room with nine or ten other members of the staff, watching a focus group. Page by page, an amiable, demomotherly facilitator led half a dozen of the magazine's subscribers through a discussion of the latest issue, the cover subject of which was John Lennon, on the occasion of the tenth anniversary of his death. (I would like to think of that cover choice as evidence of the young magazine's mavericky resistance to the forces of hype, though the truth is that the top editors, veterans of *People*, thought of dead celebrities as good for newsstand sales.) Toward the end of the session, the focus group got to the back of the book, the pages devoted to reviews of movies, TV shows, CDs, and books—my chief area of responsibility—and I flipped to a clean sheet on my notepad.

The group was asked about the lead piece, a movie review by Owen Gleiberman, a transplant from the *Boston Phoenix* who was the magazine's sole film critic at the time. I no longer remember what movie he had reviewed for that issue, or what the assembled readers said about it. What I recall most vividly from that day is what most surprised me: how the people in the focus group brightened when they came to a small box of type set in the corner of the first page of Gleiberman's prose.

Identified as Critical Mass, the box contained a list of ten movies showing around the country, followed by grades (A-plus, A, and so forth, down to F) assigned to those titles by six movie critics polled by the magazine. Typically, the roll call included Gene Siskel, Roger Ebert, Peter Travers of *Rolling Stone*, a couple of critics from the big-city dailies, and, always at the end of the list, Gleiberman. The grades tended toward the low side, and C's were not uncommon. In fact, to check my memory for this article, I went through the *EW* archives online, and I found the grades to be even lower than I had expected. (*Home Alone*: two Ds, two C-minuses, a C, and a C-plus.)

Readers treasured this little box, because they perceived its bitsy contents as having great value. Here, handily collated for comparison shopping, was a sampling of expert opinion, instead of one writer's point of view. Even better, the feature presented those multiple judgments as quasi-rigorous data, rather than words and phrases that might call for the application of thought and might allow for interpretation. Critical Mass was something other than criticism for mass consumption; it was an alternative to criticism, and it suggested that popular artworks

should be consumed just like any other goods. A mechanism for the aggregation and the quantification of creative judgment, it prefigured Web sites such as Rotten Tomatoes, Metacritic, and Critic-O-Meter, which have become the go-to places for countless members of the contemporary pop-culture audience whose older brothers and sisters went to places such as *Entertainment Weekly*.

From that box tucked under the text of a movie review, the conception of arts coverage as a kind of ineffably digestible, data-driven form of service journalism steadily expanded within the pages of *EW*, and it has since spread far beyond them. The arts criticism in most national magazines, in nearly all newspapers around the country, and even in the arts weeklies has become shorter in length and lighter in tone—where it has survived at all—and the concerns of much of the critical writing published both in print and online have grown progressively commercial: What to watch? What to buy? Is the movie worth the cost of admission? Is the book worth the cover price?

The expansion of consumerism in arts journalism has occurred in a climate of ingrained anti-intellectualism and laissez-faire economics, which may or may not be curtailed by the fiscal collapse and the elections of last fall. If the cuts in arts and entertainment coverage at print publications represent a crisis in

arts journalism, it is one long in the making. It is also one far too easy to blame on the Web, since some of the damage seems to be self-inflicted.

"I think that newspapers that are shrinking their arts pages are hoisted on their own petard," says Alisa Solomon, director of the Arts and Culture Program at the Columbia University Graduate School of Journalism (where I teach). "Because so many of them have made criticism merely consumer reporting, they've made their arts pages obsolete. Consumer reporting—reviewing that readers would look at the same way they would look at a report on which refrigerator to buy—is very easy to do in listings publications or on the Web.

"This isn't just a crisis in arts criticism," Solomon continues. "This is a problem in the culture at large, and it has been, certainly, for the last eight years, when some basic principles have held sway that are inimical to serious criticism in all spheres. Those are ideas about the 'ownership society' and about the free market—the idea that anything that's worthwhile has to pay for itself. In an environment where there's disdain for expertise, and where intelligent conversation about a topic is considered elitist and therefore oppressive, critics look not only dispensable, but somehow evil or wrong. Our attitudes toward the arts have been framed within this notion that they have to have some kind of utilitarian or commercial value, and we're losing our ability to talk about them in other terms."

If intellectually engaging criticism, as opposed to reviewing with a service function, has been on the wane, so has the audience for that criticism. "If there is no audience for serious criticism, then that criticism won't sustain itself," says Sam Tanenhaus, editor of both *The New York Times Book Review* and the paper's Week in Review section. "Trilling was read because, however small the circulation of *The Partisan Review*, it was dedicated enough that it could be an ongoing concern. Even more important was the fact that his ideas could filter out through more prominent publications into the culture. There used to be room for a very idea-driven critical journalism. Now what you get is a lot of opinion, especially but not only on the Web. There's not time enough today to think, let alone

## Critical writing has grown progressively commercial: What to watch? What to buy? Is the movie worth the cost of admission? Is the book worth the cover price?

think and read carefully, so serious criticism doesn't have the same place in the culture. Very little writing today generates the kind of dedicated scrutiny that serious criticism once did."

IT IS ALMOST TWENTY YEARS, AND seems much longer, since the day when six prominent movie critics for mainstream magazines and newspapers would give a cheery holiday-season hit like *Home Alone* near-failing grades. Among the earmarks of consumerism in writing on the arts, particularly the popular arts, is its resolute positivity.

"The problem is that a lot of editors see criticism as an adjunct of marketing. They're happy only when it's a positive review, because then you have a writer who's with the program," says Charles Taylor, a critic of film, books, and music who until recently contributed to the Newark *Star-Ledger* on a freelance basis. According to Taylor, he nearly lost one of his gigs (not his gig at the *Star-Ledger*, which was eliminated in a mass purge at the paper last year) because he wrote a critical review of a popular movie. "There's a common point of view," he explains. "You don't assign a review to someone who doesn't like the work. Oh, really? That's publicity; that's not criticism. There is a pressure on the critic to be positive, and, in terms of print, at least, it's tied to advertising dollars."

Indeed, the Seattle-based critic Tim Appelo, a blogger (for *flixtter.com*), TV critic (for *film.com*), and art and drama critic (for the *Seattle Post-Intelligencer*), was once told by an advertiser in his former paper, *The Oregonian*, that each star Appelo assigned to a movie was worth \$5,000 in ticket revenue.

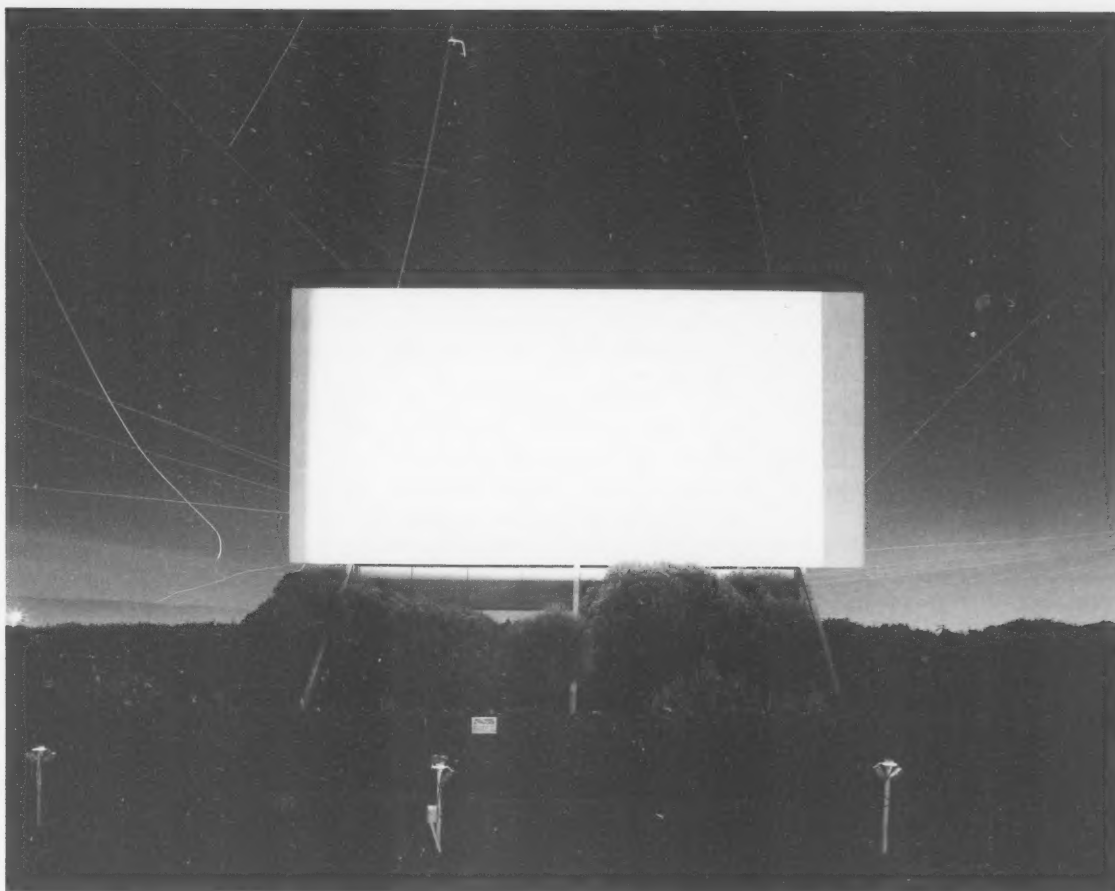
Music critics, too, feel the pressure to make nice. In an era in which home-studio software and social networking sites have greatly simplified the production and the distribution of popular music,

the sheer quantity of new releases by unknown artists has, among other effects, made it more tempting to accentuate the positive. Earlier this year, a critic at a national magazine wrote a capsule review of a new release from a suddenly vogueish, previously obscure young singer-songwriter—and when pressed by a fact-checker, the writer admitted that he hadn't listened to the whole album. What was the harm, the critic asked, as long as he was being positive? (Thanks to the fact-checker, the review was not published.)

"It is now the conventional wisdom among music critics that most reviews are three-star reviews," says Ann Powers, the pop critic for the *Los Angeles Times*. "Everybody seems to feel like it's become their job to be positive. There's so much music being made, it makes sense for people to want to know what's good so they know what to buy, but I'm not interested in writing that way. I get e-mails all the time from people who read my pieces, which are more essayistic than the thumbs-up, thumbs-down kind of thing, and they want to know if I think they'd like the album. I tell them, 'I don't know!'"

The culture of criticism in pop, a music geared to teenagers, is functioning more and more like the social economy of adolescence, in the opinion of a longtime rock critic who made the point on the condition of anonymity. "The world of music writing is becoming a lot like high school," he says. "Writers do not write about music so much anymore. Their job is to look cool and to align themselves with the right albums at the right time so that they're not belittled or kicked out of the cool club. I think that has really become a problem. People are afraid. There's this fear that you could hurt your career or your image if you go out on a limb and say, 'I don't like The Hold Steady or Arcade Fire.' So, for





various reasons, people have decided to focus on the positive and be of good service to the readers.”

This is a school of critical thought with acolytes of many robes, and slow times in a field can justify overzealous advocacy as much as a boom can. In fact, critics in seemingly endangered areas of the arts (classical music, jazz, dance, independent film) can sometimes engage in boosterism out of a sense of purpose shared with the artists they cover—and, perhaps, a common sense of beleaguerment.

“There’s a great deal of trepidation and defensiveness in classical music writing,” says Greg Sandow, the classical music critic for *The Wall Street Journal*, who is also a composer. “Everyone’s afraid that they might harm the music, as if it’s a child who requires their protection.” Boosterism, he adds, is endemic: “In one case, I was with a critic who absolutely hated something and

didn’t say so in print. I think that classical music sees itself as in some kind of danger—and it suffers from a sense of entitlement, so composers and producers sometimes squeal in outrage that the media is not covering their work. What I tell them is, ‘Go do something interesting. Make news. Then you might have a better claim for more coverage.’”

The higher mission of critics in all realms of the arts, formal and informal, popular and not-so, is, of course, to subscribe neither to pro-forma positivity nor negativity, but to confront the work intelligently and honestly, and to stir readers to thought and to feeling.

The point, as Sam Tanenhaus puts it, is the argument. “The *Times Book Review* publishes a lot of quite negative reviews,” he remarks, “and sometimes we put them on the cover, and people are mystified by this. You want to provoke interest in the reader, and the way the critic does that is to abandon himself or herself

to the work. Now, it may not be the happiest abandonment, but the sense is that there’s something serious at stake—that it *matters* whether this book is good or not. The writing about the book matters. The argument matters.”

FROM THE BEGINNING OF 2007 TO THE middle of 2008, approximately 25 percent of the staff jobs in arts journalism were eliminated, according to Douglas McLennan, the director of the National Arts Journalism Project and the editor of the aggregation site Arts Journal ([artsjournal.com](http://artsjournal.com)). The work these critics used to do has been replaced by wire-service copy or by freelance pieces, or it has gone away entirely. “That’s a pretty big hit for a profession, and since then, it’s been getting even worse,” says McLennan. By the end of 2009, he projects, there will be half the number of full-time, paid critics than there were at the end of 2007.

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To one-time staffers such as music and film critic Gary Giddins, probably best known for the columns on jazz he wrote during his decades-long tenure at *The Village Voice*, the transformation of the arts-journalism landscape represents something more than a call to hustle. After all, Giddins left the *Voice* before the recent layoffs, and he makes a nice living writing books and pieces for *The New Yorker* and Slate. What's happening, Giddins says, is a reconfiguring of the complex three-way relationship between writers, readers, and art. "If you can't make a living writing to one group of readers whom you know, then you write to several groups of readers who are all different, and something's lost." He adds: "If Edmund Wilson had to scrounge around to get a piece in print every few months, then he wouldn't have been the Edmund Wilson we know."

Further on this issue, Tim Appelo notes, "I'm a mammal. I can adapt. But as critics change, the nature of criticism changes. The less they pay you, the more you're able to just cover whatever interests you. What that means, though, is that you're less likely to be forced to immerse yourself in, let's say, a particular theater scene. If you can't get a job as a full-time theater critic, as I used to be, then you don't have to sit through as many plays, and, as a result, your expertise is weaker. You're less of an expert guide through a particular art scene—in other words, even your value as a consumer guide diminishes."

"Years ago," Appelo recalls, "Tom Hanks mocked the proliferation of critical voices by saying, 'Throw a rock, hit a critic.' Now employers are taking that literally, obliterating staff critics. There's an increasingly deafening chorus of critics, but virtuoso soloists are falling silent."

Another point of view holds that those rocks are hitting dinosaurs. To Douglas McLennan, the era of the beat critic is passing for good. "We're in a period where the old business model no longer works and the new one is not yet capable of supporting the new journalism, whatever that is," McLennan says.

On the other hand, McLennan isn't sure that the demise of the old model is a tragedy when it comes to arts coverage. "Traditional journalism has done a crappy

job of covering certain kinds of arts," he says, pointing out that dance, in particular, has been badly served. Nor do readers necessarily get the best deal when a single voice monopolizes the conversation: "If you're in, say, Kansas City, and there's a critic writing about an art form, and that's basically the only voice you're getting over a long period—well, even if he's really a good critic and you enjoy him, it's only one perspective. If there's suddenly many people talking about that art form in a variety of ways, including online, and they're debating it and bringing their knowledge, their experience of it, that's very different. A lot of it is not going to be great. But a lot of traditional criticism has not been great."

The failings of one school of arts journalism may not justify the failings of another. Yet, as Leon Wieseltier, the literary editor of *The New Republic*, points out, "Criticism is always in crisis."

"Every crisis in criticism supposes that it is unprecedented, he says, but now there really is a new reason for alarm. Criticism has always been a mixture of opinion and judgment, judgment being something more learned and more seasoned and more intellectually ambitious than mere opinion. But beginning with Amazon, which made anybody who could type into a book reviewer, and now as the Web sites and the blogs have proliferated, we have entered a nightmare of opinion-making. This culture of outbursts, and the weird and totally unwarranted authority that it has been granted, has been responsible for a collapse of the distinction between opinion and judgment. It's one of the baleful consequences of the democratization of expression by the Web."

"I cling to this very old, sentimental, but not at all unrigorous Arnoldian idea of criticism—that the criticism of art is in some way the criticism of life," Wieseltier says. "If it's true that scarcity is the origin of value, then serious, extended, learned criticism is now more valuable, not less, and I have an almost religious belief in its survival, though in this thoroughly un-Arnoldian climate, I sometimes feel like a holy fool." **CJR**

DAVID HAJDU is an associate professor at Columbia's Graduate School of Journalism and the music critic for *The New Republic*.

## Dig In

*In an era of global shortages and biofuel debates, the food beat gets serious*

BY GEORGINA GUSTIN

THIS PAST FALL, I DROVE FROM ST. LOUIS TO OSAGE COUNTY, IN CENTRAL Missouri, to meet a hog farmer named Russ Kremer. As I pulled into the driveway of the white farmhouse where he was raised, Kremer ambled out in his rubber boots, offering me a hearty handshake. We got into his silver Chevy truck, a circa-1992 model caked with hog-infused dirt, and drove along the rolling roads of Kremer's native countryside. He showed me the barns where he raises his herds, pointing out the deep straw, the roomy paddocks, and the many-hued, multi-sized pigs destined for sausage and bacon. As we walked up to one of the barns, Kremer started explaining that pigs raised naturally and allowed to root and run around taste better, in his opinion, than those raised in industrial operations. That taste, he said, is what has allowed him to make a living while other hog farmers are going out of business.

Then he said something that sounded startling coming from a farmer in the Ozark foothills. "I love chefs," he smiled. "They've gotten into story pork."

Story pork. Not just any old shrink-wrapped chop, but pork from a place, raised by a farmer, with a story. Meat with a narrative.

In fact, I had approached my editors at the *St. Louis Post-Dispatch* with a related idea just two years before. As I put it at the time, I wanted to create a beat that focused on "food issues"—a beat that looked at food safety, systems, regulation, and habits. As a metro reporter, I was eager to liberate food from the lifestyle section and cover it as *news*, in the metro pages, normally the province of homicides and politics.

Among the evidence I presented to support my idea was a long list of front-page stories about food from newspapers across the country. I pointed out that those stories invariably ended up among the most e-mailed and read. I tried to persuade my editors that food was, or could be, a viable news beat, a way to look at issues—economic, environmental, agricultural, political—through a different lens. I noted the popularity and influence of books such as Michael Pollan's *The Omnivore's Dilemma* and Eric Schlosser's *Fast Food Nation*. Even *The New Yorker* had taken to publishing a special food issue each year.

Food, I argued, was not only a serious subject—it was a wildly popular one as well. Chefs were attaining superstar status in this country. A proliferation of magazines, Web sites, and television networks was turning food into fantasy, sustenance into "food porn." While most magazines struggled to survive, food-related titles were, and are, on the rise, with 355 published in 2008—roughly 40 percent more than in 2001. As I saw it, the celebrity status of food opened the door

for harder coverage. If people loved Paula Deen, wasn't it fair to assume that a good chunk of them would read a news story about antibiotics in swine? Labeling laws? And who, I asked, didn't care about what they put in their own mouths, or the mouths of their kids?

The editors liked the idea, but didn't bite. Then, a year later, as the paper was retooling its newsroom, I pitched it again. This time the editors said yes.

I became the "food reporter" on the metro desk—a role that puzzled some of my colleagues. The equation of food coverage with restaurant reviews and recipes is so ingrained, certainly at smaller papers, that one veteran cop reporter insisted on calling it the "cooking bear" for several months. The confusion and semi-derisive comments were a small price to pay. So was my new schedule: in exchange for my new gig, I agreed to cover a general assignment shift on Saturday, which means everything from murder sprees to parades.

In an era of shrinking papers, plummeting advertising, and layoffs, I had given myself a challenge: to prove that a food-news beat could stand on its own. I wish I could chalk it up to pure prescience. The timing, however, was ideal. With skyrocketing food prices, global shortages sparking riots from Bangladesh to Haiti, a sprawling salmonella outbreak, and the debate over biofuels, 2008 was among the food-newsiest periods in recent memory. It was also the year the massive "Farm Bill" became known as the "Food Bill"—when urban and suburban Americans realized, perhaps for the first time, that they had a stake in a gargantuan piece of legislation normally parsed by lawmakers in the corn belt.

At the same time, Congress mulled over the Energy Independence and Security Act of 2007. The so-called Energy Bill had set higher mandates for renewable, mostly corn-based fuels, which arguably have more influence over food prices than anything in the newly minted Food Bill. Then, at a global summit of the Food and Agriculture Organization of the United Nations in June, about six months after the Energy Bill became law, representatives from 181 countries gathered and asked: Is it such a good idea to grow the world's

fuel when people are starving? Should food acres compete with fuel? Should the tractor exist for the field, or the field for the tractor?

BACK IN ST. LOUIS, THE FOOD-TO-FUEL argument simmered away. In every direction from this city, corn, America's largest crop, grows by the tens of thousands of acres. Much of it ends up as ethanol in gas tanks, or as fattening high-fructose corn syrup in everything from cookies to soda.

Either way, it has become controversial. Last year saw record corn prices, making area farmers happy, but prompting accusations that the spikes were triggered by pro-ethanol policies, and were responsible for the escalating cost of food. The St. Louis-based National Corn Growers Association fought back, arguing that speculators drove up prices, and sticking to its position that ethanol could wean us from foreign oil. For a while, it seemed that I was getting e-mails every day from the pro-corn contingent on one side, and from food manufacturers, environmentalists, and consumer groups on the other.

Nor was the debate limited to these opposing parties. Monsanto, which has its own role to play in this growing clash over global resources, is the world's largest purveyor of genetically modified crops. It also happens to be based in a St. Louis suburb. In the 1990s, the one-time chemical company became the first to successfully market genetically engineered crops. In doing so, Monsanto transformed American agriculture—by some estimates, 60 percent of our food contains genetically modified ingredients—and launched a similar crusade overseas (though many countries are resisting). As the world struggles to simultaneously feed itself and fill its gas tanks, says the company, its crops are part of the solution. Monsanto argues that its products will yield more fruit with less fertilizer, water, and weed killer.

Given all of this, I have an interesting and perhaps unique vantage point from which to cover the food-news beat. I work at a regional paper in a struggling midwestern city, surrounded by farms, few of which produce anything we would recognize as food—a city that could be considered ground zero for the

biofuels debate, and is home to a global seed giant that stands to benefit from the outcome.

But being in St. Louis had other advantages last year. Consumer demand for organic, and later, locally grown food, which had its beginnings on the coasts, started moving inland. That meant that farmers markets were a growing presence here. A new one opened last summer, in a depressed part of the city where residents have few food-purchasing options aside from liquor and convenience stores. Some of the crops sold there were grown by homeless people, who, with the help of a gardening organization, had planted an urban farm next to a highway on-ramp.

The city still has its alimentary deserts—wastelands, nutritionally speaking, where cheap, fattening food is the norm. But like many urban areas, St. Louis is being transformed, at least partially, by a new consciousness of our relationships to food. "Locavore," hailed as the 2007 word of the year by the *New Oxford American Dictionary*, has become not only a fashionable term but a principle that a surprising number of St. Louisans try to live by.

The agricultural landscape is changing here, too. Kremer the hog farmer is a perfect example. Nearly thirty years ago, concentrated animal-feed operations (CAFOs) became the norm in middle America, and big agribusiness concerns began controlling everything from the farm to the market. Now, independent and family farmers are upending this closed system by developing their own marketing cooperatives. Amid the endless fields of commodity soybeans and corn, small-scale farmers are starting to grow vegetables for niche markets, and for community-supported agriculture programs (CSAs), where people pay an upfront fee for a share in the farmer's harvest.

The phenomenon is driven in part by chefs and gourmets who long ago discovered that free-range chicken or grass-fed beef tastes better. Now average consumers, too, are starting to demand those same things. They also want to support rural farmers in their area, and limit the environmental costs—the "food miles"—required to produce any given meal. This consciousness, which took shape some time ago in upstate New

York and the Napa Valley, is relatively (and somewhat ironically) new to the country's "breadbasket." But now that it's emerged in the heartland, the appetite for story pork may just be here to stay.

THE SEARCH FOR TASTE. A SENSE OF rural justice. An awareness of the connections among farming, climate, and natural resources. In recent years, all of these notions have hit the mainstream. But current food scares—from melamine in Chinese candy to salmonella in Mexican hot peppers to E. coli in Californian spinach—have forced consumers to pay extra attention to food origins and labels. So has the gnawing fear that terrorists might contaminate the food supply.





These concerns go beyond the seeming abstractions of taste or justice. They may also help to explain why food coverage has gotten increasingly prominent, not only at the *Post-Dispatch* but at papers throughout the country. Last year, especially so. *The New York Times* explored global food production in a lengthy series. In the spring, *The Washington Post* published a five-part investigation of the global food crisis. "The issues are coming out of the cooking pages," Paul Roberts, the author of *The End of Food* (2008), told me in a recent conversation.

In his book, Roberts examines the global food supply and its paradoxical imbalance, with abundance in some places and famine in others. "We're still defining this new area," he said, refer-

ring to food coverage. "Food is so driven by economics, by trading and speculation, and we have to be able to understand how those markets work."

For me, covering any and all of the above—farming, commodities, grain markets, salmonella—was new. On some days, I felt woefully under-equipped to cut through the mudslinging of the pro- and anti-ethanol campaigns, or to understand the scientific arguments for and against genetic engineering. Like so many beat reporters, I needed a crash course in the story of the moment. One day, I might have benefited from an advanced degree in agricultural economics; the next, from some background in soil science. Sometimes, I felt like a business reporter, and other times, like

a science reporter. And on many days, I simply wrote easy, feature-like trend stories just to give readers a below-the-fold diversion.

Through it all, I've often wondered whether the food beat is too diffuse and unwieldy for a single journalist. Is it, I wondered, a realistic prospect to report on agriculture, regulation, public health, and biotech at the same time? There is no road map for the beat, at least as I've devised it, and as far as I know, I'm the

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**Dinner!** Banksy, the British street artist, captures the absurdity of our food system.



MARIO TAMA / GETTY IMAGES

only metro or news reporter trying to cover the subject in this way.

At most newspapers, even with the new visibility given to food stories, the beat is divided among different desks. Commodities are covered by agriculture reporters. Health or science reporters cover nutrition. Reporters who follow the Food and Drug Administration or the Department of Agriculture write about regulation, while business reporters tackle much of the remainder. (The *Times* and *Post* series last year were written in large part by business reporters.)

Michael Pollan, probably the most influential food journalist in the country these days, sees a convergence going on. "I think the beats are melding in very interesting ways," he told me. "It used to be that on Wednesday, you got your recipes and you treated food as a lifestyle issue. Ag was a business beat. Now they're bleeding together because food is a political issue, and a health issue. I think people are starting to connect the dots. You can't think of [food] as environment or science or ag or business. It's all of those things."

Pollan, who came to food from ecology and environmental science, teaches a class at the University of California, Berkeley, called "Following the Food Chain." The class draws students from departments across the school, including chemistry, law, and public policy. "I think it's very important for people doing this work to have a mixed bag of tools," he continued. "You need to understand ecology; you need to be a pretty good business journalist. It truly is interdisciplinary."

Increasingly, many feature reporters assigned to food sections are urged to write for A1. That's not necessarily because the front page has gotten softer, but because food news has gotten harder. Kim Severson, a former cop

reporter who happened to like food, told me she was hired by the *San Francisco Chronicle* about ten years ago to write for the food section and "bridge the gap between food and news."

"I was centered in features," she recalls, "but I was encouraged to write for the front page. It's evolved in the last decade. A lot more papers have seen the value of having food news coming out of the food section, so it's written from the plate out." Severson, who now writes for the *New York Times*'s dining section, captured a fair share of front-page real estate in 2008. But, as she said, "I like to reserve the right to do the recipe story, too."

Many traditional food writers—those who have spent their careers writing about recipes, profiling chefs, and reviewing restaurants—are now confronting the complexities of food issues. "A lot of them have had to get serious," Paul Roberts said. "And in many cases they're out of their depths, because they've never had to cover this before. We're starting to wake up to the fact that this is extremely complicated."

I, TOO, CAME TO MY BEAT AS A REPORTER who loves food. I'd covered a lot of beats—cops, environment, health—and was an education reporter when I pitched the idea to my editors. I confess: I'm not well read in the big food writers of the past, and I'm not a particularly informed gourmet, either. But I realized that I was spending a lot of time plotting menus, figuring out how to use what I had in the fridge to avoid throwing anything away. I've always loved the idea of eating out of the garden, and have happy memories of my grandparents' little plot of urban land in Düsseldorf, Germany, which seemed to yield endless jars of raspberry jam.

Even so, I was lucky to get the green light for this beat. I was the rare beneficiary of a shrinking newsroom. Some science beats had been consolidated or eliminated. We lost an agriculture reporter in a buyout, and our biotech reporter left this fall—for a job at Monsanto. I also had editors willing to try something new, because doing so was better than doing nothing and helplessly watching the ship sink.

Until now, food stories have tended to lack the gravitas of, say, big investigative pieces on government graft. Maybe that's because food security in this country is pretty solid. There's an abundance of things to eat (though, arguably, not enough of it is nutritious), and even with the food scares of late, our supply is generally quite safe. But with the world's population expected to climb to 8.5 billion people in about thirty years, food production will need to rise by as much as 2 percent annually—and the earth already has one billion malnourished residents. Our need to feed ourselves, and the impact of that demand on our landscapes and lives, will likely complicate the role of food reporting in years to come. Certainly the current global crisis has made it clear that food coverage has to go way beyond anything we've done before.

The food writers of yore waxed beautifully and meaningfully about what we eat and how. But as much as, say, M. F. K. Fisher did for food consciousness, she was not a journalist, nor did she try to be. Today's food reporters face a different challenge.

It used to be that we humans spent hours each day looking for food. Many of us, myself included, still do—only it's not for survival, and we do it with a keyboard, or by flipping the pages of a magazine or newspaper. We can only guess at the roots of the phenomenon. It probably comes from some deep need to connect with life, with the earth, especially in an age of such thorough alienation from what sustains us. In any case, it has engendered reams of lovely, enriching stories about perfectly crusty bread and spectacularly inventive chefs.

Much of this food porn is great—truly delectable stuff. Still, it seems that all of the recipes, the celebrity chefs, and the collective food fetishes are a portal to something else. We have built entire media economies on food, and now we've found ourselves facing a food reality with consequences, one that actually matters.

It's a new story. Time to dig in. **CJR**

GEORGINA GUSTIN writes about all things food-related for the *Metro* section of the St. Louis Post-Dispatch. When not in the newsroom or tracking farmers in the hills, she's usually in her kitchen, ruining dinner.

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**'We're waking up to the fact that food is extremely complicated.'**

## Here Comes the Bogeyman

*A chaotic portrait of Rupert Murdoch and his discontents*

BY DAVID NASAW

MICHAEL WOLFF'S PROSE STYLE IS *sui generis*. Unique. Which we know. Sort of. His prose is so hard-edged he uses *Fuck You* as an adjective. He breaks every rule, and with gusto. With sentences that consist of one-word exclamations. And longer, complex sentences—studied with dashes—which run on and on and never seem to end. Not now. Not ever. It shouldn't work, but it does... well, often it does. Except when it doesn't.

In choosing to write a biography of Rupert Murdoch—a sort of biography, anyway—Wolff has found his subject. Murdoch not only chose to sit for interviews, but arranged for the author to interview family members and business associates, creating a perfect storm of conditions for a wildly idiosyncratic, bizarrely organized (disorganized might be the better word), but never less than fascinating portrait of the press baron and his family. At the same time, Wolff crosscuts this biographical project with a blow-by-blow narrative of the deal that won Murdoch and his News Corporation control of *The Wall Street Journal*.

The deal forms the spine of the book and is recounted chronologically. In telling his tales of Murdoch, however, Wolff generally eschews chronology, making abundant use of detours, flashbacks, retrospectives, and frantic leaps from decade to decade, continent to continent. The constant shift in location does mirror the peripatetic quality of Murdoch's life. (The poor man, we learn, is perpetually jet-lagged, which accounts in part for his fleeting attention span and often grumpy demeanor.) But the shifting time frames are neither necessary nor particularly helpful.

As a historian, I admit I am partial to chronological organization. Life is lived forward: what happens yesterday has an effect on today; one builds a business empire, a personal life, an identity over time. Wolff's jumping around is irritating, and worst of all, confusing.

Meanwhile, his Murdoch remains pretty much the same, no matter the continent or the decade. There are surface changes, but nothing terribly significant until, perhaps, his third marriage, when he undergoes "a marked, odd, and possibly transformative shift" from the outsider persona he took on forty years earlier to "an official member of the glamour establishment," who dresses in Prada suits, has dinner with celebrities, and dyes his hair a frightful orange.

### **The Man Who Owns the News: Inside the Secret World of Rupert Murdoch**

By Michael Wolff  
Broadway  
446 pages, \$29.95

Wolff displays little interest in Murdoch's childhood and adolescence, scants his college years, and rips through the decade and a half he spent in Australia building a highly successful media empire. His biographical study effectively takes wing only in 1968, when Murdoch relocates to Britain, where, primed with borrowed money, he buys the weekly *News of the World* in 1968 and the daily *Sun* in 1969. The first of these purchases establishes Murdoch as a "new and unnatural character in British public life": a transplanted Aussie sleaze merchant. But it is the *Sun* that makes him rich. "In addition to suddenly giving Murdoch a power base," we read, "the *Sun's* startling success turns Murdoch, in the establishment view, into England's most disreputable and dangerous media figure."

In 1973, he crosses the Atlantic to establish a beachhead in the New World. His first acquisitions are two San Antonio papers, which he buys because they are for sale. (There appears to be no other good reason for his decision to invade America by way of Texas.) Then, in rapid succession, Murdoch founds his own supermarket tabloid, the *National Star*, buys the *New York Post*, *New York* magazine, and *The Village Voice* (all in the late seventies), and then returns to England to purchase *The Times* of London and the *Sunday Times*. He keeps on buying newspapers throughout the 1980s, including the *Boston Herald*, the *Chicago Sun-Times*, and the *South China Morning Post*, while simultaneously expanding into trade magazines, television stations, book publishing, Hollywood film studios, and a satellite-based British network. By the mid-1980s, he has morphed from "a print publisher to the first truly all-media media company." But the empire is built on debt—\$7.6 billion of it, in Wolff's reckoning. At the end of his own fabulous decade, Murdoch's empire is on the verge of collapse.

Wolff (or perhaps his interviewees, on whose testimony so much of the book is based) loses interest here. After compellingly describing how Murdoch captured his prizes, he leaps past the potential debacle and never quite explains how Murdoch was able to pull back from the edge of disaster. We leave

him "on the brink of ruin"—and return, one hundred pages later, to learn that he's doing just fine.

Let me repeat: Wolff has no intention of writing a traditional biography. And there's nothing wrong with that. His forté is the character sketch, the deal history, stories of bad guys going up against bad guys. There are no heroes here, certainly not the hapless Bancroft family, which, after definitively and repeatedly declaring that it would not sell *The Wall Street Journal*, changed its collective mind and delivered the goods. But there are no real villains, either, only flawed men and women unable or unwilling to acknowledge their flaws.

Murdoch is among the most flawed. He is variously described by Wolff as aloof, contained, preoccupied, crippled by shyness, gossipy, grumpy, penurious, remote, unfeeling, abstract, disembodied, puzzling, old and old-fashioned, a fifties guy, a guy's guy, and a reluctant socializer. Murdoch is, we learn, "a brilliant and manipulative bastard" afflicted with frightening mood swings. He cares little for ideas, is no visionary, has no interest in culture, knows nothing about current technologies, and can barely operate a computer. But he is also a decent listener, a brilliant networker, and "one of the most politically influential men in the world."

Murdoch, at least in Wolff's telling, is best characterized by his antipathies and enemies. On returning to England, at age thirty-seven, and buying the *News of the World* and the *Sun*, he "becomes the bogeyman." In his own eyes, he is simply an Aussie doing business abroad, an opportunist who has come to where the opportunities are. For this, according to Wolff's narrative, Murdoch is lambasted, censured, humiliated in public.

Rather than retreat, he transplants his British-tabloid sensibility to the New World. And again, he is condemned, as he had been in London, for his rudeness, his crudeness, his nerve at taking two great New York institutions and transforming them into something quite different (which is true of the *Post*, but not of *New York*). "He's the outsider. He's the big guy picking on the little guy. He's the thief. He's the guy who forecloses on widows and orphans."

Wolff, who admires no one, sympa-

thizes with no one, pities no one, does not side with poor beleaguered Rupert in his battle with the establishments. Murdoch, he believes, has always been a bit of a fool for buying newspapers and losing money on them. Yet in Wolff's view, those who condemn him are more worthy of scorn for not understanding that without fools like Murdoch, newspapers like the *New York Post*, *The Times* of London, and perhaps even *The Wall Street Journal* might disappear altogether.

The story of Murdoch's pursuit of the *Journal* is a prime example of the sort of lose/lose scenario that, Wolff believes, is inevitable in newspaper takeover narratives. Nobody comes out well here. But there is something heroic about Murdoch's foolishness, and something scandalously and stupidly shortsighted about the foolishness of those who profess a love of newspapers but oppose his attempt to purchase another one. Murdoch's offer of \$60 a share for *The Wall Street Journal*, Wolff argues persuasively, made no business sense whatsoever. But Rupert wanted the *Journal* and was willing to pay a premium to have it, then lose money (as he has at the *New York Post* and *The Times* of London) as its owner.

Why? Though he was, by 2007, a global media tycoon with interests larger and wider than any before him, Murdoch remained a newspaperman. And, Wolff surmises, what he desired more than anything else at the end of his career was to own a quality, elite, establishment newspaper. So he overpaid for a property no one was willing to bid on, believing himself to be "the real white knight of newspapers." Would the men and women who work for the *Journal*, or its readers, or the community at large have been better served had Sam Zell or General Electric bought the paper? From the vantage point of the present moment, it appears highly unlikely.

The questions that get left out here are the larger ones that Wolff has no interest in asking. Must we put our hope for the future survival of newspapers in "white knights" like Rupert Murdoch? Is there no other alternative? Is the "news" business simply another business, deserving of no more regulation or regard or public subsidy than any other? Or is the ex-

istence of a free press, no matter how unprofitable it might be, critical to the proper functioning of state and society and worthy of special attention?

As I write this, there is an ongoing debate about a bailout of the Big Three automakers, following a similar debate about the survival of national banks, investment houses, and insurance companies. The argument made on their behalf is that their survival is of critical importance to the well-being of the nation. The same has been said, at different moments in our past, about family farms (no matter how many acres they might comprise) and sports franchises (no matter how many millions they might be worth).

But what about newspapers? There has been no call to rescue any of them, as far as I know. And this, despite the fact that this nation, in its founding state and federal constitutions, singled out the press for protection because it was, in the words of a resolution passed by the Virginia ratifying convention, "one of the greatest bulwarks of liberty."

Constitutionally sanctioned guarantees of freedom of the press were intended to proscribe government interference, rather than warrant government support. Yet they bear repeating, because they highlight the singular and historic role of the press in American society. This role—and this significance—are neglected, then negated, when we regard the news business as just another business, its survival to be determined by market forces alone.

Wolff pays no attention, as I have already said, to such larger questions. And indeed, there is no requirement that he should. In the end, if we judge him by his intentions and review the book he has written, not the one we might have wanted him to write, we are obliged to give it, well, not three cheers, but a hearty two-and-a-half. It is fair to say, however, that for this reader at least, the questions he does not ask haunt his description of *The Wall Street Journal* deal and his portrait of Murdoch as newspaperman and businessman. **CJR**

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## BRIEF ENCOUNTERS

BY JAMES BOYLAN

### All the Art That's Fit to Print (And Some That Wasn't): Inside The New York Times Op-Ed Page

By Jerelle Kraus  
Columbia University Press  
260 pages, \$34.95

ON SEPTEMBER 21, 1970, *The New York Times* unveiled a new kind of page called the "op-ed," displacing the obituaries that had long been printed opposite the editorials. This novel forum was open to nonstaff writers—and to freelance artists, who have since supplied thirty thousand or so pictures for the page and for the adjacent letters column. Jerelle Kraus, a *Times* veteran of three decades, served as art director for the page from 1979 to 1993. And in this generously illustrated volume, she shares the work of 134 of those artists. She also provides an intensely personal history of the page as it weathered tempests and tinpot tyrannies at the *Times*. Her deepest loyalty, of course, is to her artists, who set the tone of seeming ferocity: headless figures, rude caricatures, grotesque animals. These images gave the op-ed page its air of radicalism, although, as Kraus observes, "since no one knew for sure what [the art] meant, it couldn't be proved controversial." Most of the drawings that were censored—and Kraus offers an assortment of them—were killed on grounds of taste. Male editors were given to seeing *faux* breasts and phalluses, or took politically correct offense at innocent drawings. Meanwhile, a



female editor, Charlotte Curtis, vetoed David Levine's nude Kissinger because it made the globetrotting diplomat look too fat. In any case, a glance at the current, slicker version of the *Times* op-ed page shows that those rampant days are gone. "No cultural movement," Kraus concludes, "survives long beyond its initial impetus."

### The Chicagoan: A Lost Magazine of the Jazz Age

By Neil Harris, with the  
assistance of Teri J. Edelstein  
The University of Chicago Press  
385 pages, \$65

THE NEW YORKER BEGAN publication in February 1925. Less than a year and a half later, there appeared a very similar magazine called *The Chicagoan*, which made its debut with the issue of June 14, 1926. *The New Yorker* remains with us; its Midwestern cousin wobbled along until 1935 and vanished (almost literally, since only two files of the magazine remain intact). Now *The Chicagoan* has been resurrected in a big, heavy, glossily handsome volume assembled by the art historian Neil Harris of the University of Chicago. It includes Harris's adroit history of the magazine, assiduously

reconstructed despite the lack of any surviving records. Readers are also treated to one complete issue; an array of brilliantly drawn, semi-abstract four-color covers; specimens of the magazine's none-too-stylish prose; a sampling of photographs (notably shots of the unemployed sleeping in Grant Park); and cartoons, which are no match for *The New Yorker's*. Yet the magazine had at least one worthy piece of wit in its quiver, a drawing called "The New Yorker's Map of the United States." It identifies New York, Atlantic City, Palm Beach, and Hollywood; every other place is labeled "Dubuque."

### Fakers: Hoaxers, Con Artists, Counterfeiters, and Other Great Pretenders

By Paul Maliszewski  
The New Press  
245 pages, \$23.95

IN *THE CONFIDENCE-MAN*, Herman Melville has one character ask another whether a story is true. The answer: "Of course not; it is a story I told with the purpose of every story-teller—to amuse." Or perhaps, as Paul Maliszewski might add, to enhance the teller's pocketbook or sense of importance. The author begins

*Fakers* with a confession: while working at a business journal, he submitted a string of pseudonymous articles mocking the politics of that very publication. Subsequently, he became an investigator of fakes, and this book collects his writings on the subject. Less interesting than his explication of fakes long past—for example, the *New York Sun's* 1835 lunar hoax—is his pursuit of present-day fakers. What should we make of Joey Skaggs, who created *Final Curtain*, a pseudo-business plan for cemeteries built as theme parks? In an interview with Maliszewski, Skaggs declares that the journalists he hoodwinked were, like most of their breed, perpetually seeking novelty within the realm of the familiar. The author's most dramatic encounter is with the novelist Michael Chabon, who has repeatedly delivered a lecture that appears to give him a false personal link to the Holocaust. Maliszewski complains that Chabon has "appropriated the Holocaust for the gravity it exerts and then portrayed it in ways an audience would find comfortable and wholly familiar." For his critique of Chabon, Maliszewski has received scant thanks. He shouldn't be surprised by this ingratitude. After all, wasn't the object (as Melville wrote) to amuse?

JAMES BOYLAN is the founding editor of the *Columbia Journalism Review* and professor emeritus of journalism and history at the University of Massachusetts—Amherst.

# The Devil Made Them Do It

A new anthology about men (and women) behaving very badly

BY WENDELL JAMIESON

THE TEENAGE GIRL GAVE BIRTH IN a Delaware hotel room; she and her boyfriend would later claim that the infant was stillborn. But the coroner said the baby suffered blunt trauma to the head. This was 1996. The young mother and father, sweethearts from an upscale town, eventually pleaded guilty to manslaughter after one turned on the other.

Eight months later, another teenager gave birth, this time at her high-school prom, this time in New Jersey, and killed the baby in the ladies' room. She pleaded guilty to manslaughter, too.

I was at the New York *Daily News* for both of these stories, and they were on the front page for days. What made them such big stories? Well, it seemed to me that scared young parents killing their own kids was pretty much as bad as it gets. To me, with ten years in the business at the time, this phenomenon also struck me as something new.

How wrong I was.

The very first entry in *True Crime: An American Anthology*, a sprawling, blood-soaked, alternately riveting and revolting survey of 350 years of American crime writing, concerns one Mary Martin of Massachusetts. In 1646, this young woman was "left...in the House of a Married Man, who became so Enamoured on her, that he attempted her Chastity." One thing led to another, and with her third assignation, poor Mary became pregnant and had a baby, whom she promptly murdered "by her self in a Dark Room." She was hanged until "she dyed."

Times change. Crimes don't.

Mary's story is told in an execution sermon written by Cotton Mather. These speeches were delivered in no doubt ominous tones to expectant crowds before the condemned met their deaths, and were then printed and distributed. The editor of the Library of America's fascinating if uneven collection, Harold Schechter, identifies these sermons as the first examples of true American crime writing, a genre that would appear in varying forms—articles, songs, newsreels, and door-stopping volumes like this one—throughout the country's history.

Beginning in that dark room, *True Crime* ranges from one end of the country to another, from barren plains to urban alleys, from Hollywood to backwoods Kentucky. Within its pages, we encounter a good many famous Americans, including

## True Crime: An American Anthology

Harold Schechter, editor  
The Library of America  
788 pages, \$40

Abraham Lincoln. Even more numerous are the famous writers—James Ellroy, Truman Capote, Calvin Trillin—as well as journalists who might be better known to those in the business, such as Joseph Mitchell, Meyer Berger, and Dorothy Kilgallen.

This is not a book for the faint of heart. Victims are shot, stabbed, bludgeoned, mutilated, poisoned, drowned, electrocuted, bashed in the head with weights, and shot again, and their bodies are disposed of in a variety of creative yet rarely successful ways. Lovers turn on each other—just like those two teenagers in that Delaware hotel room. Read one after the other, the stories are both hard to put down and exhausting; there is so much inhumanity. But taken in smaller doses, *True Crime* is filled with dark pleasures and more than a few surprises.

It is also a great place to find succinct accounts of some of the most notable crimes in American history, crimes whose details have often been lost in the fog of legend. Jack Webb—yes, of *Dragnet*—outlines the particulars of the Black Dahlia murder from 1947 in suitably clear and crisp prose. And Damon Runyon brings his considerable linguistic gifts to the Snyder-Gray murder case, forever captured in James M. Cain's *Double Indemnity* and the movie of the same name. "Now the woman and the crumpled little corset salesman," Runyon writes, "their once piping-hot passion colder than a dead man's toes, begin trying to save their respective skins from the singeing at Sing Sing, each trying to shove the other into the room with the little green door." That would be the room where the electric chair is kept. A picture of Ms. Synder getting the juice (as Runyon might have put it) was soon splashed across the cover of the *Daily News*, after a reporter strapped a concealed camera to his ankle.

The surprises in *True Crime* are even more striking, and start early. The writer of the second piece, "The Murder of a Daughter," engages in the worst kind of base sensationalism when he recounts how parents fed their girl excrement before killing her. (Parents beware: lots of kids die in this book.) The detail has no reason to exist beyond the author's desire to shock the reader. If that story

had come across my desk, I would have trimmed the excrement line in an instant. Its author? Benjamin Franklin.

A hundred or so pages later, one of the legends of the so-called New Journalism is deflated, at least in my mind. Truman Capote has been quoted as saying he wanted *In Cold Blood* to be a new genre: the first true-crime saga to use literary techniques to tell its story. But in the late 1800s, Celia Thaxter turned a double slaying off the coast of New England into a perfect little novella called "A Memorable Murder." It's all there: rich, novelistic descriptions of the sea and the barren island on which the killings

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## The times change, but the crimes remain the same.

took place, internal monologues from the characters (hypothetical, of course), and a remarkable feeling of suspense, especially considering that the author reveals the ending on the first page. (This is actually a quirk of many of the early selections here.)

Other high points in *True Crime* include Abraham Lincoln's wry tale of three brothers accused of a slaying that apparently did not happen; a series of "Murder Ballads" that describe killings in song; an excerpt from Herbert Asbury's evocative "Gangs of New York"; Jim Thompson's Texas-spare "Ditch of Doom"; and Joseph Mitchell's "Execution," whose ice-clear prose throws some of the flowery language elsewhere into stark, unfortunate relief. And therein lies the biggest flaw in this anthology: it's an anthology—its best offerings can't help but put some of the lesser examples to shame, no matter how well they might have stood on their own.

I feel sorry, for example, for the anonymous author of "Jesse Harding Pomeroy, The Boy Fiend," which recounts the crimes of a young torturer and murderer of small children (see note to parents above) in Boston in 1871. That selection just happens to come after an entry from Mark Twain, who describes a

well-known Nevada desperado in the following manner:

When he moved along the sidewalk in his excessively long-tailed frock-coat, shiny stump-toed boots, and with dainty little slouch hat tipped over left eye, the small-fry toughs made room for his majesty; when he entered the restaurant, the waiters deserted bankers and merchants to overwhelm him with obsequious service; when he shouldered his way to a bar, the shouldered parties wheeled indignantly, recognized him, and—apologized.

No matter how many times you've read Twain, his easy grace with words, his sense of humor, and his handle on details never cease to amaze. Mr. Anonymous didn't stand a chance.

In one case, at least, Schechter puts the varying talents and viewpoints of different writers to good use. He has chosen two entries about the trial of Robert Allen Edwards, who drowned his girlfriend in 1915, a case remarkably similar to the one that inspired Theodore Dreiser's *American Tragedy*.

Because of this similarity, in fact, Dreiser himself was hired to cover the Edwards trial for the *New York Post*, and a portion of his coverage is included here. It is ponderous, puffed up, and lacking in drama. Not so Dorothy Kilgallen's coverage of the same trial, which follows Dreiser's. Hers is shot through with suspense from start to finish. If her prose sounds a bit dated, with a distinctly pulpish accent, this was still a woman who didn't let words get in the way of a great story. "Next on the stand for the prosecution was Rosetta Culver," writes Kilgallen. "She was everything Freda was not—blond, attractive, poised. I wondered if handsome Bobby had ever tried to lead her down the cemetery path."

Of course, both Dreiser and Kilgallen faced a challenge known to all crime writers (and all detectives) since time immemorial: they didn't see the crime itself. So they spent a lot of time in court. Numerous entries here are actually more about court reporting than crime reporting, and much of what unfolds does so in front of a judge, jury, and press box. Kilgallen smartly used many direct quotes from the transcript to build tension. Not all the other writers are so

canny. Some of the courtroom selections could have been trimmed, and the same thing could be said of Cotton Mather's sermons, which run to thirty-one thunderous, exhausting pages.

In its closing entries, *True Crime* allows us to compare contemporary crime writing with its inarguably well-represented past. Gay Talese's language flows nicely in his take on the Manson murders, "Charlie Manson's Home on the Range," even if his reporting seems lazy—he opens with a description of a ranch hand and his girlfriend sitting on a fence that, while nicely drawn, has nothing to do with the story, and is distracting. (It felt like this vignette was the first thing he saw, so it was, the first thing he wrote.) Jimmy Breslin, writing in the *Daily News*, brings the harrowing streets of late-1970s New York alive in "Son of Sam," making me shudder as I remembered the dirty city in those days, yet also making me imagine with a twisted journalist's envy how exciting it would have been to cover this particular story.

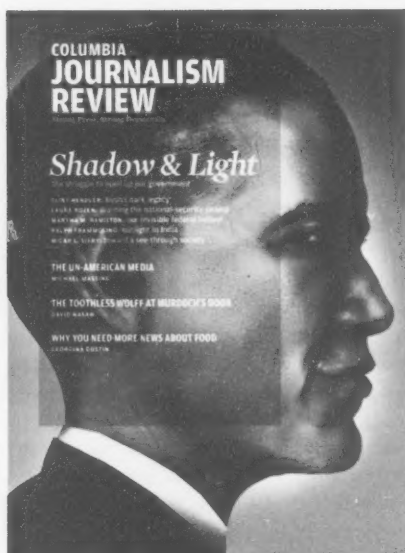
But it is James Ellroy, in the third-to-last entry, who is the real emotional closer of *True Crime*. So many children have been slain before his "My Mother's Killer" begins on page 707 that it is oddly refreshing to have, here, a child seeking the details of his mother's death. Ellroy's writing is sharp and spare in the extreme: the story is only thirteen rat-at-tat pages long, without a wasted consonant or vowel. Yet the turmoil of this successful writer reimagining his childhood, peering through investigative details, and looking at grisly crime-scene photographs of his murdered mother, is brought remarkably, and awfully, to life.

I read the piece when it appeared in *GQ* some years ago. On rereading, I was better able to appreciate Ellroy's language and skill, but was still as haunted by the story as I was the first time—perhaps more so. If *True Crime* doesn't cause my bookcase to collapse, I'm sure I'll pick it up again to reread Ellroy's little masterpiece. It will come in handy whenever I require a jolt of cruelty to remind me that my life isn't so bad after all, or need to be inspired by some genuinely fine journalism. **CJR**

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WENDELL JAMIESON is city editor of The New York Times.

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## Feet to the Fire

BY MICHAEL SCHUDSON AND DANIELLE HAAS



FOR A PROFESSION THAT LIVES BY THE cynical adage, "If your mother says she loves you, check it out," journalism has been surprisingly lax in verifying one of its central claims—that it keeps government honest. But is it true?

Two economists, who went looking for proof, found little hard evidence—good or bad—of the effects of the press on democracy. So they set about establishing the truth of the claim themselves, in a new study that nails down the relationship between newspaper coverage and political accountability.

While previous studies have argued that the recipe for good governance includes knowledgeable voters and an active press, none have identified which comes first. In a working paper featured on the Web site of the National Bureau of Economic Research, MIT's James Snyder Jr. and Stockholm University's David Strömberg produce the most convincing evidence yet by identifying a chain of impact that starts with the press. Journalists, they say, kick-start a virtuous cycle by covering politics, which educates voters, who in turn put pressure on politicians, who then work harder and produce more constituent-friendly policies. House of Representatives members who aren't scrutinized by hometown reporters, Snyder and Strömberg find, work less for their constituencies—they testify at fewer hearings, serve on fewer committees, and vote more often along party lines. As a result, federal policy tends to break unfavorably for their constituents, and federal spending is lower in their districts. When politicians do receive coverage, they offer testimony at almost 50 percent more congressional hearings and slice off 10 percent more pork for their districts—roughly \$2,700 a person—than colleagues the press ignores.

"Voters need information to keep politicians accountable and the press delivers this information," write Snyder and Strömberg, who based their findings on a study of online editions of 161 newspapers, covering an average of 385 congressional districts between 1991 and 2002. The typical newspaper wrote about a hundred stories a year featuring their local congressmen; but those papers covering just one congressional district, as opposed to two or more, published up to 50 percent more. As a result, readers of single-congressman newspapers were up to 20 percent more

able to name their member of the House and to cite qualities of that person they like and dislike.

That's a gold star for journalists. But it would be greater cause for celebration if the picture weren't so gloomy for the newspapers they work for. There are around 350 fewer daily newspapers today than there were fifty years ago, and roughly 10 percent fewer newspaper journalists than in 2000. Some newspapers—their staffs and budgets cut to the bone—are starting to share copy and manpower. In the last year, Ohio's eight largest papers formed OHNO, the Ohio News Organization, to pool in-state reporting, while the *St. Petersburg Times* and *The Miami Herald* merged their Tallahassee-based staffs into a single bureau. A "Northeast Consortium" of newspapers—including New York's *Daily News* and *Newsday*, and New Jersey's *The Star-Ledger*—is also reportedly close to a deal to share some stories and photos.

Snyder and Strömberg's study suggests some danger in these developments. Newspapers will report less about district representatives who, in turn, will be less accountable to their constituents. And there's little hope that "Live at Five" television news programs will pick up the slack. Snyder and Strömberg, corroborating past studies, find that television has "no effect" on voter knowledge about their congressmen.

That congressmen work harder when covered by newspapers might be good for locals, but it doesn't necessarily translate into benefits for the country at large. After all, eager politicians don't necessarily come from the neediest districts, and those districts that do get federal dollars may not use them wisely—think Alaska's "Bridge to Nowhere." Snyder and Strömberg, sensitive to this distinction, do not claim that newspaper coverage focused on Congress makes the country better, only that it increases the chances that representatives will help constituents back home. At least it used to, when there were enough newspapers, with enough resources, to keep watch. **CJR**

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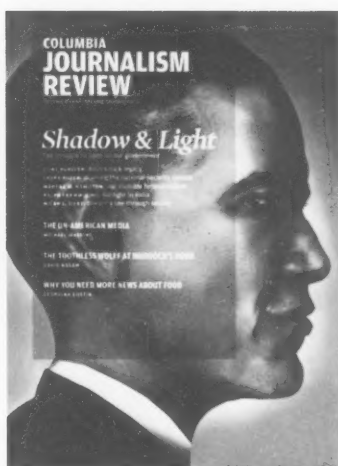
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